

771

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. GUNTHER -- Multi-Sponsored by -- M. of A. CALHOUN
-- read once and referred to the Committee on Libraries and Education
Technology

AN ACT to amend the general municipal law, in relation to the establish-
ment, consolidation, dissolution and change of the boundaries of
library districts

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, DO ENACT AS FOLLOWS:

Section 1. The general municipal law is amended by adding a new arti-
cle 7-B to read as follows:

ARTICLE 7-B
LIBRARY DISTRICTS

SECTION 150. DEFINITIONS.
151. QUALIFICATION.
152. ESTABLISHMENT AND EXTENSION OF DISTRICTS.
153. PETITION AND HEARING.
154. CONSOLIDATION OF DISTRICTS.
155. ALTERATION OF BOUNDARIES OF DISTRICTS.
156. DIMINUTION OF DISTRICT BOUNDARIES.
157. FILING OF DETERMINATION.
158. BOARD MEMBERS.
159. ELECTION OF BOARD MEMBERS.
159-A. REGISTRATION FOR VOTERS.
159-B. ABSENTEE BALLOTS.
159-C. POWERS AND DUTIES OF BOARD.
159-D. ANNUAL STATEMENT OF EXPENDITURES AND LEVY OF TAXES.
159-E. DISSOLUTION OF DISTRICTS.
S 150. DEFINITIONS. FOR THE PURPOSES OF THIS ARTICLE:
1. "BOARD" MEANS THE BOARD OF TRUSTEES OF A LIBRARY DISTRICT.
2. "DISTRICT" MEANS A LIBRARY DISTRICT.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 3. "MUNICIPALITY" MEANS A CITY, TOWN, VILLAGE OR SCHOOL DISTRICT.

2 S 151. QUALIFICATION. NOTWITHSTANDING ANY OTHER PROVISION OF THIS
3 ARTICLE, THE PROVISIONS OF PART TWO OF ARTICLE FIVE OF THE EDUCATION LAW
4 SHALL CONTINUE TO APPLY TO DISTRICTS.

5 S 152. ESTABLISHMENT AND EXTENSION OF DISTRICTS. 1. THE GOVERNING BODY
6 OF ANY MUNICIPALITY OR, IF THE PROPOSED DISTRICT OR EXTENSION INCLUDES
7 TERRITORY IN MORE THAN ONE MUNICIPALITY THE GOVERNING BODIES OF EACH OF
8 THE MUNICIPALITIES IN WHICH SUCH PROPOSED DISTRICT OR EXTENSION IS SITU-
9 ATED, ACTING JOINTLY BY A MAJORITY VOTE OF THE MEMBERS OF EACH OF SUCH
10 GOVERNING BODIES, UPON A WRITTEN PETITION, MAY ESTABLISH OR EXTEND
11 DISTRICTS IN SUCH MUNICIPALITY OR MUNICIPALITIES.

12 2. UPON ITS OWN MOTION AND WITHOUT PETITION, THE GOVERNING BODY OF ANY
13 MUNICIPALITY OR, IF THE DISTRICT AS PROPOSED OR PROPOSED TO BE EXTENDED
14 INCLUDES TERRITORY IN MORE THAN ONE MUNICIPALITY, THE GOVERNING BODIES
15 OF EACH MUNICIPALITY ACTING JOINTLY BY A MAJORITY VOTE OF THE MEMBERS OF
16 EACH OF SUCH BODIES MAY ESTABLISH OR EXTEND DISTRICTS IN SUCH MUNICI-
17 PALITIES. THE NOTICE OF THE HEARING THEREON SHALL BE PUBLISHED AND POST-
18 ED AND SUCH HEARING SHALL BE HELD IN THE MANNER PROVIDED IN THIS ARTICLE
19 FOR A HEARING UPON THE ESTABLISHMENT OF A DISTRICT UPON PETITION. AFTER
20 SUCH HEARING AND UPON THE EVIDENCE GIVEN THEREAT, THE GOVERNING BODY OR
21 BODIES SHALL DETERMINE BY RESOLUTION WHETHER IT BE IN THE INTEREST OF
22 THE MUNICIPALITY TO ESTABLISH THE PROPOSED DISTRICT OR EXTEND AN EXIST-
23 ING DISTRICT, AS THE CASE MAY BE. IF IT BE DETERMINED THAT THE ESTAB-
24 LISHMENT OR EXTENSION OF SUCH DISTRICT BE IN THE PUBLIC INTEREST, THE
25 GOVERNING BODY OR BODIES SHALL DETERMINE WHETHER ALL THE RESIDENTS AND
26 INTERESTED PERSONS WITHIN THE PROPOSED DISTRICT ARE BENEFITED THEREBY
27 AND WHETHER ALL RESIDENTS BENEFITED ARE INCLUDED THEREIN AND SUCH
28 GOVERNING BODY OR BODIES SHALL SO ALTER THE BOUNDARIES OF THE PROPOSED
29 DISTRICT OR EXTENSION, SO THAT ALL RESIDENTS AND ONLY SUCH RESIDENTS AS
30 ARE BENEFITED SHALL BE INCLUDED WITHIN ITS LIMITS. IN THE EVENT, HOWEV-
31 ER, THAT IT IS FOUND THAT ANY RESIDENTS OR ANY INTERESTED PERSONS NOT
32 INCLUDED IN THE DISTRICT, AS ORIGINALLY PROPOSED, WILL BE BENEFITED
33 THEREBY, A FURTHER NOTICE SHALL BE POSTED AND PUBLISHED AND ANOTHER
34 HEARING SHALL BE HELD, UNLESS ALL ADDITIONAL RESIDENTS OR INTERESTED
35 PERSONS EXECUTE AND FILE WRITTEN CONSENTS TO BE INCLUDED IN SUCH
36 DISTRICT OR EXTENSION. WHEN THE BOUNDARIES OF SUCH DISTRICT OR EXTENSION
37 SHALL HAVE BEEN FINALLY DETERMINED, THE GOVERNING BODY OR BODIES SHALL
38 ADOPT A RESOLUTION ESTABLISHING OR EXTENDING THE DISTRICT AND SHALL
39 COMPLY WITH THE PROVISION OF THIS ARTICLE.

40 S 153. PETITION AND HEARING. 1. A PETITION FOR A MANDATORY REFERENDUM,
41 PURSUANT TO SECTION ONE HUNDRED FIFTY-TWO OF THIS ARTICLE, SHALL BE
42 SIGNED, AND ACKNOWLEDGED OR PROVED IN THE SAME MANNER AS A DEED TO BE
43 RECORDED, OR AUTHENTICATED IN THE MANNER PROVIDED BY THE ELECTION LAW
44 FOR THE AUTHENTICATION OF NOMINATING PETITIONS, BY RESIDENTS CONSTITUT-
45 ING TWENTY PERCENT OF THE RESIDENTS OF THE PROPOSED DISTRICT OR EXTEN-
46 SION THEREOF.

47 2. THE GOVERNING BODY OR BODIES SHALL HOLD A PUBLIC HEARING UPON SUCH
48 PETITION AND SHALL CAUSE NOTICE THEREOF TO BE PUBLISHED AT LEAST ONCE IN
49 A NEWSPAPER HAVING GENERAL CIRCULATION IN THE TERRITORY AFFECTED, THE
50 FIRST PUBLICATION THEREOF TO BE NOT LESS THAN TEN DAYS NOR MORE THAN
51 TWENTY DAYS BEFORE THE DAY DESIGNATED THEREIN FOR THE HEARING, AND THE
52 CLERK OF THE MUNICIPALITY OR CLERKS OF THE MUNICIPALITIES SHALL CAUSE
53 COPIES OF SUCH NOTICE TO BE POSTED ON THE SIGN-BOARD OF THE MUNICIPALITY
54 AND CONSPICUOUSLY IN SUCH OTHER PLACES WITHIN OR WITHOUT THE TERRITORY
55 AFFECTED AS THE GOVERNING BODY OR BODIES MAY DIRECT, NOT LESS THAN TEN
56 NOR MORE THAN TWENTY DAYS BEFORE THE DAY DESIGNATED FOR THE HEARING. IN

1 THE EVENT THAT THE MUNICIPALITY MAINTAINS A WEBSITE, SUCH INFORMATION
2 MAY ALSO BE PROVIDED ON SUCH WEBSITE. SUCH NOTICE SHALL CONTAIN A
3 DESCRIPTION OF THE PROPOSED DISTRICT OR EXTENSION, STATE THE ESTIMATED
4 RATE PER THOUSAND DOLLARS OF ASSESSED VALUATION, BASED ON THE AGGREGATE
5 ASSESSED VALUATION OF TAXABLE REAL PROPERTY OF THE PROPOSED DISTRICT OR
6 EXTENSION DISTRICT SHOWN IN THE LATEST COMPLETED FINAL ASSESSMENT ROLL,
7 PROJECTED TO BE ASSESSED, LEVIED AND COLLECTED FOR PURPOSES OF THE
8 PROPOSED DISTRICT OR EXTENDED DISTRICT FOR THE FISCAL YEAR OF ITS OPERA-
9 TION AND SPECIFY THE TIME WHEN AND THE PLACE WHERE THE GOVERNING BODY OR
10 BODIES WILL MEET TO CONSIDER SUCH PETITION AND TO HEAR ALL PERSONS
11 INTERESTED IN THE SUBJECT CONCERNING THE SAME. IF THE PETITION SHALL
12 PROVIDE FOR THE DISSOLUTION OF AN EXISTING DISTRICT UPON THE ESTABLISH-
13 MENT OF A NEW DISTRICT, THE NOTICE OF HEARING SHALL SO SPECIFY. PRIOR TO
14 THE PUBLICATION OF THE NOTICE, THE GOVERNING BODY OR BODIES SHALL CAUSE
15 TO BE PREPARED, AND FILE FOR PUBLIC INSPECTION WITH THE CLERK OF THE
16 MUNICIPALITY, A DETAILED EXPLANATION OF HOW THE ESTIMATED RATE OF
17 ASSESSMENT FOR THE PROPOSED DISTRICT OR EXTENDED DISTRICT WAS COMPUTED.

18 3. AFTER A HEARING HELD UPON NOTICE AND UPON THE EVIDENCE GIVEN THERE-
19 AT, THE GOVERNING BODY OR BODIES SHALL DETERMINE BY RESOLUTION:

20 A. WHETHER THE PETITION IS SIGNED, AND ACKNOWLEDGED OR PROVED, OR
21 AUTHENTICATED AS REQUIRED BY LAW AND IS OTHERWISE SUFFICIENT;

22 B. WHETHER ALL RESIDENTS WITHIN THE PROPOSED DISTRICT OR EXTENSION ARE
23 BENEFITED THEREBY;

24 C. WHETHER ALL RESIDENTS BENEFITED ARE INCLUDED WITHIN THE LIMITS OF
25 THE PROPOSED DISTRICT OR EXTENSION; AND

26 D. WHETHER IT IS IN THE PUBLIC INTEREST TO GRANT IN WHOLE OR IN PART
27 THE RELIEF SOUGHT.

28 IF THE GOVERNING BODY SHALL DETERMINE THAT THE PETITION IS NOT SIGNED,
29 AND ACKNOWLEDGED OR PROVED, OR AUTHENTICATED AS REQUIRED BY LAW OR THAT
30 IS OTHERWISE INSUFFICIENT, OR IF IT IS DETERMINED THAT IT BE NOT IN THE
31 PUBLIC INTEREST TO GRANT IN WHOLE OR IN PART THE RELIEF SOUGHT, THE
32 GOVERNING BODY SHALL DENY THE PETITION.

33 IF THE GOVERNING BODY OF A MUNICIPALITY SHALL DETERMINE THAT THE PETI-
34 TION IS SIGNED, AND ACKNOWLEDGED OR PROVED, OR AUTHENTICATED AS REQUIRED
35 BY LAW AND IS OTHERWISE SUFFICIENT AND THAT IT IS IN THE PUBLIC INTEREST
36 TO GRANT THE RELIEF SOUGHT, EITHER IN WHOLE OR IN PART, BUT SHALL FIND
37 THAT ANY PORTION OF THE RESIDENTS WITHIN THE PROPOSED DISTRICT OR EXTEN-
38 SION ARE NOT BENEFITED THEREBY OR THAT CERTAIN RESIDENTS BENEFITED
39 THEREBY HAVE NOT BEEN INCLUDED THEREIN, SUCH GOVERNING BODY SHALL SPECI-
40 FY THE NECESSARY CHANGES OF THE BOUNDARIES OF THE PROPOSED DISTRICT OR
41 EXTENSION TO BE MADE IN ORDER THAT ALL OF THE RESIDENTS AND ONLY SUCH
42 RESIDENTS AS ARE BENEFITED SHALL BE INCLUDED WITHIN SUCH PROPOSED
43 DISTRICT OR EXTENSION, AND THE GOVERNING BODY SHALL CALL A FURTHER HEAR-
44 ING AT A DEFINITE PLACE AND TIME NOT LESS THAN FIFTEEN NOR MORE THAN
45 TWENTY-FIVE DAYS AFTER SUCH DETERMINATION. NOTICE OF SUCH FURTHER HEAR-
46 ING SHALL BE POSTED, PUBLISHED AND MAILED IN THE MANNER PROVIDED IN THIS
47 SECTION EXCEPT THAT SUCH NOTICE SHALL ALSO SPECIFY THE MANNER IN WHICH
48 IT IS PROPOSED TO ALTER THE BOUNDARIES OF THE PROPOSED DISTRICT OR
49 EXTENSION. SUCH FURTHER HEARING SHALL BE CONDUCTED IN THE SAME MANNER AS
50 AN ORIGINAL HEARING UPON A PETITION. IF AND WHEN THE GOVERNING BODY
51 SHALL DETERMINE IN THE AFFIRMATIVE ALL OF THE QUESTIONS SET FORTH IN
52 THIS SUBDIVISION, THE BOARD MAY ADOPT A RESOLUTION APPROVING THE ESTAB-
53 LISHMENT OR EXTENSION OF THE DISTRICT AS THE BOUNDARIES SHALL BE FINALLY
54 DETERMINED, BUT NO SUCH RESOLUTION SO APPROVING SHALL BE ADOPTED UNLESS
55 THE PETITION SHALL COMPLY WITH THE REQUIREMENTS OF THIS SECTION AS TO

1 SUFFICIENCY OF SIGNERS AS THE BOUNDARIES OF THE PROPOSED DISTRICT OR
2 EXTENSION SHALL BE FINALLY DETERMINED.

3 S 154. CONSOLIDATION OF DISTRICTS. IRRESPECTIVE OF THE MANNER OF
4 THEIR ORIGINAL ESTABLISHMENT, WHENEVER TWO OR MORE DISTRICTS ADJOIN, THE
5 GOVERNING BODY OF THE MUNICIPALITY IN WHICH SUCH DISTRICTS ARE LOCATED
6 OR, IF SAID DISTRICTS BE SITUATE IN MORE THAN ONE MUNICIPALITY, THE
7 GOVERNING BODIES THEREOF ACTING JOINTLY BY A MAJORITY VOTE OF THE
8 MEMBERS OF EACH SUCH GOVERNING BODIES, UPON A WRITTEN PETITION OF TWENTY
9 PERCENT OF THE RESIDENTS OF SUCH MUNICIPALITY OR MUNICIPALITIES, OR UPON
10 THE WRITTEN PETITION OF A MAJORITY OF THE MEMBERS OF THE BOARD OF EACH
11 DISTRICT PROPOSED TO BE INCLUDED WITHIN THE CONSOLIDATED DISTRICT MAY
12 CONSOLIDATE SUCH DISTRICTS AND ESTABLISH THE SAME INTO ONE DISTRICT
13 AFTER A PUBLIC HEARING THEREON. SUCH PETITION OR PETITIONS SHALL BE
14 SIGNED, AND ACKNOWLEDGED OR PROVED IN THE SAME MANNER AS A DEED TO BE
15 RECORDED, OR AUTHENTICATED IN THE MANNER PROVIDED BY THE ELECTION LAW
16 FOR THE AUTHENTICATION OF NOMINATING PETITIONS. NOTICE OF SUCH HEARING
17 SHALL BE GIVEN AND SUCH HEARING HELD AND THE SUBJECT MATTERS THEREOF
18 DETERMINED IN THE MANNER PROVIDED FOR HEARINGS UPON THE ESTABLISHMENT OF
19 DISTRICTS, EXCEPT THAT THE NOTICE OF HEARING SHALL STATE IN GENERAL
20 TERMS THE PURPOSES OF THE HEARING AND SPECIFY EACH OF THE EXISTING
21 DISTRICTS PROPOSED TO BE INCLUDED WITHIN THE CONSOLIDATED DISTRICT.

22 IN THE EVENT THAT AT THE TIME OF CONSOLIDATION, ANY DISTRICT INCLUDED
23 WITHIN THE CONSOLIDATED DISTRICT SHALL HAVE ANY INDEBTEDNESS, EITHER
24 BONDED OR TEMPORARY, SUCH DISTRICT SHALL CONTINUE TO EXIST IN LAW FOR
25 THE PURPOSE OF PAYING SUCH INDEBTEDNESS, AND THERE SHALL BE ANNUALLY
26 ASSESSED AND LEVIED UPON AND COLLECTED FROM THE TAXABLE REAL PROPERTY
27 WITHIN SUCH ORIGINAL DISTRICT, IN THE SAME MANNER AND AT THE SAME TIME
28 AND BY THE SAME OFFICERS AS MUNICIPAL TAXES ARE ASSESSED, LEVIED AND
29 COLLECTED, A SUM SUFFICIENT TO PAY SUCH INDEBTEDNESS AND INTEREST THERE-
30 ON AS THE SAME SHALL BECOME DUE. ALL THE REAL PROPERTY WITHIN THE
31 CONSOLIDATED DISTRICT SHALL BE LIABLE FOR THE PAYMENT OF INDEBTEDNESS
32 INCURRED FOR THE PURPOSES OF THE DISTRICT AFTER SUCH CONSOLIDATION. FOR
33 THE PURPOSES HEREOF, SUCH CONSOLIDATION SHALL BE DEEMED EFFECTIVE UPON
34 THE ADOPTION BY THE GOVERNING BODY OR BODIES OF THE RESOLUTION PROVIDING
35 THEREFOR, UNLESS SUCH RESOLUTION SHALL SPECIFY SOME OTHER DATE FOR SUCH
36 PURPOSE, IN WHICH CASE SUCH CONSOLIDATION SHALL BECOME EFFECTIVE ON THE
37 DATE SO SPECIFIED.

38 S 155. ALTERATION OF BOUNDARIES OF DISTRICTS. 1. IRRESPECTIVE OF THE
39 MANNER OF THEIR ORIGINAL ESTABLISHMENT, WHENEVER TWO OR MORE DISTRICTS
40 ADJOIN AND THE BOARDS OF EACH DISTRICT AFFECTED HAVE AGREED BY A WRITTEN
41 MEMORANDUM OF PROPOSED CHANGE TO ALTER THE BOUNDARIES OF SUCH DISTRICTS,
42 BUT NOT IN SUCH A MANNER AS TO INCLUDE TERRITORY NOT PREVIOUSLY SITUATE
43 WITHIN SUCH DISTRICTS, NOR TO EXCLUDE TERRITORY PREVIOUSLY SITUATE THER-
44 EIN, AND AFTER A PUBLIC HEARING THEREON, HELD JOINTLY BY SUCH DISTRICTS,
45 THE BOUNDARIES OF SUCH DISTRICTS MAY BE ALTERED IN ACCORDANCE WITH SUCH
46 MEMORANDUM OF PROPOSED CHANGE, BUT NOT UNTIL SUCH PROPOSED CHANGE HAS
47 BEEN APPROVED BY THE GOVERNING BODY OF THE MUNICIPALITY IN WHICH SUCH
48 DISTRICTS ARE LOCATED, OR IF LOCATED IN TWO OR MORE MUNICIPALITIES, BY
49 THE GOVERNING BODIES OF SUCH MUNICIPALITIES.

50 2. SUCH MEMORANDUM OF PROPOSED CHANGE SHALL BE SIGNED BY A MAJORITY OF
51 THE MEMBERS OF THE BOARD OF EACH DISTRICT AND SHALL BE ACKNOWLEDGED OR
52 PROVED IN THE SAME MANNER AS A DEED TO BE RECORDED. THE MEMBERS OF THE
53 BOARD OF EACH DISTRICT AFFECTED SHALL JOINTLY HOLD A PUBLIC HEARING UPON
54 SUCH MEMORANDUM OF PROPOSED CHANGE AND SHALL CAUSE A NOTICE THEREOF TO
55 BE PUBLISHED AT LEAST ONCE IN A NEWSPAPER HAVING GENERAL CIRCULATION IN
56 THE TERRITORY AFFECTED, THE FIRST PUBLICATION THEREOF TO BE NOT LESS

1 THAN TEN DAYS NOR MORE THAN TWENTY DAYS BEFORE THE DAY DESIGNATED THERE-
2 IN FOR THE HEARING, AND THE SECRETARY OF THE DISTRICTS SHALL CAUSE
3 COPIES OF SUCH NOTICE TO BE POSTED CONSPICUOUSLY IN FIVE PUBLIC PLACES
4 IN THE DISTRICT AT LEAST TEN DAYS PRIOR TO THE DATE OF SUCH PUBLIC HEAR-
5 ING. IN THE EVENT THAT THE DISTRICT MAINTAINS A WEBSITE, ONE OF THE
6 POSTING REQUIREMENTS MAY BE FULFILLED BY POSTING SUCH INFORMATION ON THE
7 WEBSITE. SUCH NOTICE SHALL SPECIFY THE TIME WHEN AND THE PLACE WHERE THE
8 BOARDS OF THE DISTRICTS AFFECTED WILL MEET TO HEAR ALL PERSONS INTER-
9 ESTED IN THE SUBJECT CONCERNING THE SAME AND SHALL SPECIFY EACH DISTRICT
10 AFFECTED AND SHALL STATE IN GENERAL TERMS THE MANNER IN WHICH IT IS
11 PROPOSED TO ALTER THE BOUNDARIES THEREOF. COSTS OF PUBLICATION SHALL BE
12 BORNE EQUALLY BY EACH DISTRICT AFFECTED.

13 3. AFTER A HEARING HELD UPON NOTICE AND UPON THE EVIDENCE GIVEN THER-
14 EAT, THE BOARDS OF THE DISTRICTS AFFECTED SHALL DETERMINE BY JOINT
15 RESOLUTION:

16 (A) WHETHER ALL THE RESIDENTS WITHIN THE DISTRICTS ARE BENEFITED BY
17 SUCH CHANGE.

18 (B) WHETHER ALL THE RESIDENTS WITHIN THE AREA OF SUCH BOUNDARY CHANGE
19 ARE BENEFITED THEREBY.

20 (C) WHETHER IT IS IN THE PUBLIC INTEREST TO GRANT THE BOUNDARY LINE
21 CHANGES AS SET FORTH IN THE MEMORANDUM OF PROPOSED CHANGE.

22 IF AND WHEN THE BOARDS SHALL DETERMINE IN THE AFFIRMATIVE ALL OF THE
23 QUESTIONS SET FORTH IN THIS SUBDIVISION, THE BOARDS MAY ADOPT A RESOL-
24 UTION JOINTLY APPROVING THE BOUNDARY LINE CHANGES. SUCH JOINT RESOLUTION
25 AND MEMORANDUM OF PROPOSED CHANGE SHALL BE FILED WITH THE CLERK OF THE
26 MUNICIPALITY OR MUNICIPALITIES IN WHICH SUCH DISTRICTS ARE WHOLLY
27 LOCATED AND WITH THE ASSESSOR OF SUCH MUNICIPALITY OR MUNICIPALITIES.

28 4. THE PROPOSED CHANGE OF BOUNDARIES SHALL BE DEEMED TO HAVE BEEN
29 APPROVED PURSUANT TO THIS SECTION IN THE EVENT THAT NO ACTION IS TAKEN
30 BY THE GOVERNING BODY OR BODIES, EITHER APPROVING OR DISAPPROVING, WITH-
31 IN THIRTY DAYS OF RECEIPT OF THE MEMORANDUM OF PROPOSED CHANGE BY THE
32 CLERK OR CLERKS. IF THE GOVERNING BODY OR BODIES APPROVE SUCH PROPOSED
33 CHANGE, SUCH ALTERATION OF BOUNDARIES SHALL BE DEEMED EFFECTIVE UPON THE
34 DATE OF SUCH ADOPTION. IF THE GOVERNING BODY OF ANY ONE OF THE TWO OR
35 MORE MUNICIPALITIES IN WHICH THE DISTRICT IS LOCATED DISAPPROVE SUCH
36 PROPOSED CHANGE OF BOUNDARIES, THEN, WITHIN TEN DAYS AFTER THE ADOPTION
37 OF SUCH RESOLUTION DISAPPROVING SUCH CHANGE OF BOUNDARIES THE CLERK OF
38 THE MUNICIPALITY DISAPPROVING SUCH CHANGE SHALL NOTIFY THE DISTRICTS
39 INVOLVED. ANY DISTRICT BELIEVING ITSELF AGGRIEVED MAY WITHIN THIRTY DAYS
40 OF RECEIPT OF NOTIFICATION COMMENCE AN APPROPRIATE PROCEEDING IN THE
41 SUPREME COURT IN ACCORDANCE WITH ARTICLE SEVENTY-EIGHT OF THE CIVIL
42 PRACTICE LAW AND RULES, NAMING THE MUNICIPAL GOVERNING BODY OR BODIES AS
43 RESPONDENTS.

44 5. IN THE EVENT THAT THE BOUNDARIES OF A DISTRICT HAVING INDEBTEDNESS,
45 EITHER BONDED OR TEMPORARY, SHALL BE ALTERED, SUCH DISTRICT SHALL
46 CONTINUE IN LAW AS IT EXISTED IMMEDIATELY PRIOR TO SUCH CHANGE OF BOUND-
47 ARIES FOR THE PURPOSE OF PAYING SUCH INDEBTEDNESS, AND THERE SHALL BE
48 ANNUALLY ASSESSED AND LEVIED UPON AND COLLECTED FROM THE TAXABLE REAL
49 PROPERTY WITHIN SUCH DISTRICT AS IT EXISTED IMMEDIATELY PRIOR TO SUCH
50 ALTERATION OF BOUNDARIES, IN THE SAME MANNER AND AT THE SAME TIME AND BY
51 THE SAME OFFICERS AS MUNICIPAL TAXES ARE ASSESSED, LEVIED AND COLLECTED,
52 A SUM SUFFICIENT TO PAY SUCH INDEBTEDNESS AND INTEREST THEREON AS THE
53 SAME SHALL BECOME DUE. ALL AND ONLY THE REAL PROPERTY WITHIN THE BOUNDA-
54 RIES OF THE DISTRICT AS THEY EXIST AFTER THE ALTERATION THEREOF SHALL BE
55 LIABLE FOR THE PAYMENT OF INDEBTEDNESS INCURRED FOR THE PURPOSES OF SUCH
56 DISTRICT AFTER SUCH ALTERATION. SUCH ALTERATION OF BOUNDARIES SHALL BE

1 DEEMED EFFECTIVE UPON THE ADOPTION BY THE BOARDS OF THE AFFECTED
2 DISTRICTS OF THE RESOLUTION PROVIDING THEREFOR, UNLESS SUCH RESOLUTION
3 SHALL SPECIFY SOME OTHER DATE FOR SUCH PURPOSE, IN WHICH CASE SUCH
4 ALTERATION SHALL BE DEEMED EFFECTIVE UPON THE DATE SO SPECIFIED.

5 S 156. DIMINUTION OF DISTRICT BOUNDARIES. 1. IRRESPECTIVE OF THE
6 MANNER OF ITS ORIGINAL ESTABLISHMENT, WHENEVER A BOARD RESOLVES, BY A
7 TWO-THIRDS VOTE, TO DIMINISH THE BOUNDARIES OF A DISTRICT, SO AS TO
8 EXCLUDE TERRITORY PREVIOUSLY SITUATE WITHIN SUCH DISTRICT, AND AFTER A
9 PUBLIC HEARING THEREON, HELD JOINTLY BY THE DISTRICT AND THE MUNICI-
10 PALITY IN WHICH SUCH TERRITORY TO BE EXCLUDED IS SITUATE, THE BOUNDARIES
11 OF SUCH DISTRICT MAY BE ALTERED IN ACCORDANCE WITH SUCH RESOLUTION.

12 2. SUCH RESOLUTION OF PROPOSED DIMINUTION SHALL BE SIGNED BY
13 TWO-THIRDS OF THE MEMBERS OF THE BOARD AND SHALL BE ACKNOWLEDGED OR
14 APPROVED IN THE SAME MANNER AS A DEED TO BE RECORDED. THE MEMBERS OF THE
15 BOARD SHALL JOINTLY HOLD A PUBLIC HEARING WITH THE MEMBERS OF THE
16 GOVERNING BODY OF THE MUNICIPALITY IN WHICH SUCH TERRITORY IS LOCATED
17 AND SHALL CAUSE A NOTICE THEREOF TO BE PUBLISHED AT LEAST ONCE IN A
18 NEWSPAPER HAVING GENERAL CIRCULATION IN THE TERRITORY AFFECTED. THE
19 FIRST PUBLICATION THEREOF SHALL BE NOT LESS THAN TEN DAYS NOR MORE THAN
20 TWENTY DAYS BEFORE THE DAY DESIGNATED THEREIN FOR THE HEARING. SUCH
21 NOTICE SHALL SPECIFY THE TIME WHEN AND THE PLACE WHERE THE BOARD AND THE
22 GOVERNING BODY OF THE MUNICIPALITY WILL MEET TO HEAR ALL PERSONS INTER-
23 ESTED IN THE SUBJECT, AND SHALL SPECIFY THE TERRITORY AFFECTED. COST OF
24 PUBLICATION SHALL BE BORNE SOLELY BY THE DISTRICT.

25 3. AFTER A HEARING HELD UPON NOTICE AND UPON THE EVIDENCE GIVEN THER-
26 EAT, THE BOARD AND THE GOVERNING BODY OF THE MUNICIPALITY SHALL DETER-
27 MINE BY RESOLUTION:

28 (A) WHETHER ALL THE RESIDENTS WITHIN THE AREA PROPOSED TO BE EXCLUDED
29 FROM THE DISTRICT ARE BENEFITED THEREBY;

30 (B) WHETHER ALL THE RESIDENTS BENEFITED ARE INCLUDED WITHIN THE LIMITS
31 OF ANOTHER DISTRICT;

32 (C) WHETHER IT IS IN THE PUBLIC INTEREST TO GRANT IN WHOLE OR IN PART
33 THE DIMINUTION OF THE DISTRICT AND THE INCLUSION IN ANOTHER DISTRICT.

34 IF THE BOARD AND THE GOVERNING BODY OF THE MUNICIPALITY SHALL DETER-
35 MINE THAT IT IS IN THE PUBLIC INTEREST TO DIMINISH THE DISTRICT BUT
36 SHALL FIND THAT ANY PORTION OF THE RESIDENTS WITHIN THE PROPOSED AREA TO
37 BE EXCLUDED FROM THE DISTRICT ARE NOT BENEFITED THEREBY OR THAT CERTAIN
38 RESIDENTS BENEFITED THEREBY HAVE NOT BEEN INCLUDED IN ANOTHER DISTRICT,
39 THE BOARD AND THE GOVERNING BODY OF THE MUNICIPALITY SHALL SPECIFY THE
40 NECESSARY CHANGES OF THE BOUNDARIES OF THE AREA TO BE EXCLUDED FROM THE
41 DISTRICT AND THE BOUNDARIES OF THE OTHER DISTRICT IN ORDER THAT ONLY
42 SUCH RESIDENTS AS ARE BENEFITED, SHALL BE INCLUDED WITHIN SUCH PROPOSED
43 EXCLUDED AREA AND WITHIN THE OTHER DISTRICT, AND THE BOARD SHALL,
44 TOGETHER WITH THE GOVERNING BODY OF THE MUNICIPALITY, CALL A FURTHER
45 HEARING AT A DEFINITE PLACE AND TIME NOT LESS THAN FIFTEEN NOR MORE THAN
46 TWENTY-FIVE DAYS AFTER SUCH DETERMINATION. NOTICE OF SUCH FURTHER HEAR-
47 ING SHALL BE PUBLISHED IN THE MANNER PROVIDED IN THIS SECTION EXCEPT
48 THAT SUCH NOTICE SHALL ALSO SPECIFY THE MANNER IN WHICH IT IS PROPOSED
49 TO ALTER THE BOUNDARIES OF THE AREA TO BE EXCLUDED AND THE BOUNDARIES OF
50 THE OTHER DISTRICT. SUCH FURTHER HEARING SHALL BE CONDUCTED IN THE SAME
51 MANNER AS THE ORIGINAL HEARING. IF, AND WHEN, THE BOARD AND THE GOVERN-
52 ING BODY OF THE MUNICIPALITY SHALL DETERMINE IN THE AFFIRMATIVE ALL OF
53 THE QUESTIONS SET FORTH IN THIS SUBDIVISION, THE BOARD MAY ADOPT A
54 RESOLUTION APPROVING THE DIMINUTION OF THE DISTRICT AND THE GOVERNING
55 BODY OF THE MUNICIPALITY MAY ADOPT A RESOLUTION APPROVING THE INCLUSION

1 OF SUCH TERRITORY IN ANOTHER DISTRICT, ALL AS THE BOUNDARIES SHALL BE
2 FINALLY DETERMINED.

3 S 157. FILING OF DETERMINATION. 1. WHENEVER THE GOVERNING BODY OR
4 BODIES SHALL ADOPT A RESOLUTION ESTABLISHING OR EXTENDING A DISTRICT, OR
5 CONSOLIDATING TWO OR MORE ADJOINING DISTRICTS, OR ALTERING THE BOUNDA-
6 RIES OF A DISTRICT, OR DISSOLVING A DISTRICT, THE MUNICIPAL CLERK OR
7 CLERKS SHALL CAUSE A CERTIFIED COPY OF SUCH RESOLUTION TO BE DULY
8 RECORDED IN THE OFFICE OF THE CLERK OF THE COUNTY OR COUNTIES IN WHICH
9 SUCH DISTRICT, OR CONSOLIDATED OR ALTERED DISTRICTS ARE LOCATED, AND
10 SHALL, WITHIN TEN DAYS CAUSE A CERTIFIED COPY OF SUCH RESOLUTION TO BE
11 FILED IN THE DEPARTMENT OF AUDIT AND CONTROL AT ALBANY. WHEN SO
12 RECORDED, SUCH RESOLUTION SHALL BE PRESUMPTIVE EVIDENCE OF THE REGULARI-
13 TY OF THE ESTABLISHMENT, EXTENSION, CONSOLIDATION, DISSOLUTION OR ALTER-
14 ATION OF SUCH DISTRICT OR DISTRICTS. THE EXPENSE OF SUCH RECORDING SHALL
15 BE A CHARGE AGAINST THE DISTRICT OR DISTRICTS. THE SAID DETERMINATION
16 SHALL BE FINAL AND CONCLUSIVE UNLESS A PROCEEDING HAS BEEN COMMENCED FOR
17 REVIEW IN THE MANNER PROVIDED BY ARTICLE SEVENTY-EIGHT OF THE CIVIL
18 PRACTICE LAW AND RULES WITHIN THIRTY DAYS FROM THE TIME OF RECORDING
19 THEREOF.

20 2. WHENEVER THE GOVERNING BODY OR BODIES SHALL ADOPT A RESOLUTION
21 ESTABLISHING OR EXTENDING A DISTRICT FOR WHICH IT IS PROPOSED THAT AN
22 EXPENDITURE IS TO BE FINANCED BY THE ISSUANCE OF BONDS, NOTES, CERTIF-
23 ICATES OR OTHER EVIDENCES OF INDEBTEDNESS OF THE DISTRICT, SUCH RESOL-
24 UTION OR DETERMINATION SHALL BE SUBMITTED TO THE STATE COMPTROLLER FOR
25 APPROVAL IN THE FOLLOWING MANNER:

26 (A) WITHIN TEN DAYS AFTER THE ADOPTION OF A RESOLUTION BY A GOVERNING
27 BODY OF A MUNICIPALITY APPROVING THE ESTABLISHMENT OR EXTENSION OF SUCH
28 A DISTRICT, THE MUNICIPAL CLERK SHALL FILE A CERTIFIED COPY OF SUCH
29 RESOLUTION, IN DUPLICATE, IN THE OFFICE OF THE DEPARTMENT OF AUDIT AND
30 CONTROL AT ALBANY, TOGETHER WITH AN APPLICATION, IN DUPLICATE, FOR
31 PERMISSION TO CREATE OR EXTEND SUCH DISTRICT AS THE CASE MAY BE. SUCH
32 APPLICATION SHALL BE EXECUTED AND VERIFIED BY THE GOVERNING BODY OF THE
33 MUNICIPALITY, AND SHALL INCLUDE THE FOLLOWING:

34 (1) A CERTIFIED COPY OF THE PETITION, IF THERE IS ONE, OMITTING,
35 HOWEVER, THE SIGNATURES AND ACKNOWLEDGMENTS OR PROOFS, OR AUTHENTICA-
36 TIONS.

37 (2) AN ITEMIZED STATEMENT OF THE EXISTING INDEBTEDNESS OF THE
38 DISTRICT, BOTH TEMPORARY AND BONDED.

39 (3) A STATEMENT OF THE AGGREGATE ASSESSED VALUATION OF THE TAXABLE
40 REAL PROPERTY SITUATED IN THE PROPOSED DISTRICT OR EXTENSION THEREOF,
41 AND, IF THERE IS A PETITION, OF THE PORTION THEREOF OWNED BY RESIDENT
42 OWNERS.

43 (B) WHENEVER SUCH AN APPLICATION SHALL BE FILED WITH THE DEPARTMENT OF
44 AUDIT AND CONTROL, THE STATE COMPTROLLER SHALL WITHIN FIVE DAYS THERE-
45 AFTER GIVE NOTICE THEREOF TO THE BOARD OF SUPERVISORS OF THE COUNTY IN
46 WHICH SUCH PROPOSED DISTRICT OR EXTENSION IS LOCATED BY FILING WITH THE
47 CLERK OF SUCH BOARD OF SUPERVISORS ONE COPY OF SUCH APPLICATION. AT ANY
48 TIME WITHIN FIFTEEN DAYS OF THE FILING OF THE APPLICATION, SAID BOARD OF
49 SUPERVISORS MAY FILE AN OBJECTION, IN WRITING, WITH THE DEPARTMENT OF
50 AUDIT AND CONTROL. IN ADDITION, THE STATE COMPTROLLER SHALL DETERMINE
51 WHETHER THE PUBLIC INTEREST WILL BE SERVED BY THE CREATION OR EXTENSION
52 OF THE DISTRICT AND ALSO WHETHER THE COST THEREOF WILL BE AN UNDUE
53 BURDEN UPON THE PROPERTY OF THE PROPOSED DISTRICT OR EXTENSION. THE
54 STATE COMPTROLLER MAY MAKE SUCH DETERMINATIONS UPON THE ORIGINAL OR ANY
55 AMENDED APPLICATION, OR IN HIS OR HER DISCRETION MAY REQUIRE THE
56 SUBMISSION OF ADDITIONAL INFORMATION OR DATA IN SUCH FORM AND DETAIL AS

1 HE OR SHE SHALL DEEM SUFFICIENT, OR MAY CAUSE AN INVESTIGATION TO BE
2 MADE, TO AID HIM OR HER IN MAKING THE DETERMINATIONS.

3 3. UPON THE EXPIRATION OF FIFTEEN DAYS FROM THE DATE OF THE FILING OF
4 SUCH APPLICATION WITH THE CLERK OF THE BOARD OF SUPERVISORS AND UPON
5 REACHING A DETERMINATION, THE COMPTROLLER SHALL MAKE AN ORDER, IN DUPLI-
6 CATE, GRANTING OR DENYING PERMISSION FOR THE CREATION OR EXTENSION OF
7 THE DISTRICT AND SHALL FILE ONE COPY OF SUCH ORDER WITH THE DEPARTMENT
8 OF AUDIT AND CONTROL AT ALBANY, AND THE OTHER IN THE OFFICE OF THE CLERK
9 OF THE MUNICIPALITY IN WHICH THE PROPOSED DISTRICT OR EXTENSION IS
10 LOCATED. THE CLERK SHALL PRESENT SUCH ORDER TO THE GOVERNING BODY OF THE
11 MUNICIPALITY AT THE NEXT MEETING THEREOF.

12 4. IF THE STATE COMPTROLLER SHALL DENY PERMISSION FOR THE CREATION OR
13 EXTENSION OF THE DISTRICT, THE GOVERNING BODY SHALL FORTHWITH ADOPT AN
14 ORDER DENYING THE PETITION. IF THE STATE COMPTROLLER SHALL GRANT PERMIS-
15 SION THEREFOR OR IF PERMISSION OF THE STATE COMPTROLLER IS NOT REQUIRED,
16 THE GOVERNING BODY MAY ADOPT AN ORDER ESTABLISHING THE DISTRICT OR
17 EXTENSION AS THE BOUNDARIES SHALL BE FINALLY DETERMINED. THE CLERK SHALL
18 CAUSE CERTIFIED COPIES OF ITS RESOLUTION AND SUCH ORDER TO BE DULY
19 RECORDED IN THE OFFICE OF THE CLERK OF THE COUNTY OR COUNTIES IN WHICH
20 SUCH DISTRICT IS LOCATED. WHEN SO RECORDED SUCH RESOLUTION AND ORDER
21 SHALL BE PRESUMPTIVE EVIDENCE OF THE REGULARITY OF THE ESTABLISHMENT OR
22 EXTENSION OF SUCH DISTRICT. THE EXPENSE OF SUCH RECORDING SHALL BE A
23 CHARGE AGAINST THE DISTRICT. THE SAID DETERMINATION SHALL BE FINAL AND
24 CONCLUSIVE UNLESS A PROCEEDING FOR REVIEW IN THE MANNER PROVIDED BY
25 ARTICLE SEVENTY-EIGHT OF THE CIVIL PRACTICE LAW AND RULES HAS BEEN
26 COMMENCED WITHIN THIRTY DAYS FROM THE TIME OF THE RECORDING THEREOF.
27 WITHIN TEN DAYS AFTER THE ADOPTION OF SUCH ORDER BY THE MUNICIPAL
28 GOVERNING BODY, ESTABLISHING THE DISTRICT OR EXTENSION, THE CLERK SHALL
29 CAUSE A CERTIFIED COPY OF SUCH ORDER TO BE FILED WITH THE DEPARTMENT OF
30 AUDIT AND CONTROL AT ALBANY.

31 S 158. BOARD MEMBERS. 1. (A) WHENEVER A DISTRICT SHALL BE ESTAB-
32 LISHED, WITHIN TEN DAYS THEREAFTER THE GOVERNING BODY OF THE MUNICI-
33 PALITY IN WHICH SUCH DISTRICT IS LOCATED OR, IN THE CASE OF A DISTRICT
34 INCLUDING TERRITORY IN TWO OR MORE MUNICIPALITIES, THE GOVERNING BODIES
35 OF SUCH MUNICIPALITIES ACTING JOINTLY BY A MAJORITY VOTE OF THE MEMBERS
36 OF EACH OF SUCH GOVERNING BODIES, SHALL APPOINT FIVE BOARD MEMBERS AND A
37 TREASURER FOR SUCH DISTRICT WHO SHALL HOLD THEIR RESPECTIVE OFFICES
38 UNTIL THE THIRTY-FIRST DAY OF DECEMBER NEXT SUCCEEDING; PROVIDED, HOWEV-
39 ER, THAT IF SUCH DISTRICT BE ESTABLISHED SUBSEQUENT TO THE FIRST DAY OF
40 OCTOBER IN ANY YEAR, THE OFFICERS SO APPOINTED BY THE GOVERNING BODY
41 SHALL HOLD OFFICE UNTIL THE THIRTY-FIRST DAY OF DECEMBER OF THE NEXT
42 SUCCEEDING CALENDAR YEAR. THE MUNICIPAL CLERK SHALL IMMEDIATELY NOTIFY
43 THE APPOINTEES OF THEIR APPOINTMENT AND OF THE TIME AND PLACE WHICH HE
44 OR SHE SHALL FIX FOR THE ORGANIZATION MEETING OF THE BOARD, WHICH MEET-
45 ING SHALL BE HELD NOT LATER THAN TEN DAYS AFTER THE APPOINTMENT OF SAID
46 OFFICERS. AT SUCH ORGANIZATION MEETING, THE TREASURER SHALL PRESIDE
47 UNTIL SUCH TIME AS A CHAIRMAN OF THE BOARD SHALL BE CHOSEN, BUT SUCH
48 TREASURER SHALL NOT BE ENTITLED TO A VOTE AT SUCH MEETING. THE BOARD
49 SHALL APPOINT A SECRETARY WHO SHALL HOLD OFFICE UNTIL THE THIRTY-FIRST
50 DAY OF DECEMBER FOLLOWING THE FIRST ELECTION OF BOARD MEMBERS.

51 (B) WHENEVER TWO OR MORE DISTRICTS SHALL HAVE BEEN CONSOLIDATED,
52 PURSUANT TO THIS ARTICLE, THE SEVERAL BOARD MEMBERS OF EACH OF SUCH
53 DISTRICTS SHALL CONSTITUTE THE BOARD THEREOF AND THE SEVERAL TREASURERS
54 OF SUCH DISTRICTS SHALL SERVE JOINTLY AS THE TREASURERS OF SUCH CONSOL-
55 IDATED DISTRICT, UNTIL THE THIRTY-FIRST DAY OF DECEMBER NEXT SUCCEEDING
56 THE FIRST ELECTION OF BOARD MEMBERS AND A TREASURER FOR SUCH CONSOL-

1 IDATED DISTRICT, HELD PURSUANT TO SUBDIVISION TWO OF THIS SECTION. THE
2 TERMS OF OFFICE OF SUCH BOARD MEMBERS OF THE SEVERAL DISTRICTS SO
3 CONSOLIDATED SHALL TERMINATE ON SAID THIRTY-FIRST DAY OF DECEMBER NEXT
4 SUCCEEDING SUCH ELECTION.

5 2. THE FIRST ELECTION OF BOARD MEMBERS SHALL BE HELD ON THE SECOND
6 TUESDAY IN DECEMBER NEXT SUCCEEDING THE ESTABLISHMENT OR CONSOLIDATION
7 OF SUCH DISTRICT; PROVIDED, HOWEVER, THAT IF SUCH DISTRICT BE ESTAB-
8 LISHED OR CONSOLIDATED AT A TIME SUBSEQUENT TO THE FIRST DAY OF OCTOBER
9 IN ANY YEAR, THE FIRST ELECTION OF BOARD MEMBERS SHALL BE HELD ON THE
10 SECOND TUESDAY IN THE MONTH OF DECEMBER OF THE NEXT SUCCEEDING CALENDAR
11 YEAR. AT THE FIRST ANNUAL ELECTION OF BOARD MEMBERS, FIVE BOARD MEMBERS
12 SHALL BE ELECTED AND A TREASURER. THE PERSON RECEIVING THE GREATEST
13 NUMBER OF VOTES FOR BOARD MEMBER SHALL BE ELECTED FOR A TERM OF FIVE
14 YEARS; THE PERSON RECEIVING THE SECOND HIGHEST NUMBER OF VOTES SHALL BE
15 ELECTED FOR A TERM OF FOUR YEARS; THE PERSON RECEIVING THE THIRD HIGHEST
16 NUMBER OF VOTES SHALL BE ELECTED FOR A TERM OF THREE YEARS; THE PERSON
17 RECEIVING THE FOURTH HIGHEST NUMBER OF VOTES SHALL BE ELECTED FOR A TERM
18 OF TWO YEARS AND THE PERSON RECEIVING THE FIFTH HIGHEST NUMBER OF VOTES
19 SHALL BE ELECTED FOR A TERM OF ONE YEAR. IN THE EVENT THAT TWO PERSONS
20 SHALL RECEIVE THE SAME NUMBER OF VOTES THE TERMS OF OFFICE SHALL BE
21 DECIDED BY LOT. AT EACH SUBSEQUENT ELECTION OF BOARD MEMBERS A MEMBER
22 SHALL BE ELECTED FOR THE FULL TERM OF FIVE YEARS. IN THE EVENT THAT TWO
23 OR MORE PERSONS RECEIVE THE SAME NUMBER OF VOTES THEREAT, A SPECIAL
24 ELECTION BETWEEN THE TYING PARTIES RECEIVING THE HIGHEST NUMBER OF VOTES
25 TO FILL THE VACANCY SHALL BE HELD WITHIN FORTY-FIVE DAYS AFTER SUCH
26 ELECTION. THE TREASURER SHALL BE ELECTED FOR A TERM OF THREE YEARS. THE
27 SECRETARY SHALL BE APPOINTED BY THE BOARD AND SHALL SERVE FOR A PERIOD
28 OF ONE YEAR. THE SECRETARY IN OFFICE AT THE TIME SUCH ELECTION IS HELD
29 SHALL IMMEDIATELY NOTIFY THE MEMBERS ELECTED OF THEIR ELECTION AND THAT
30 AN ORGANIZATION MEETING WILL BE HELD ON THE DAY SPECIFIED IN SAID
31 NOTICE, WHICH SHALL NOT BE LATER THAN THE FIFTEENTH DAY OF JANUARY NEXT
32 ENSUING. AT SUCH ORGANIZATION MEETING, THE TREASURER SHALL PRESIDE UNTIL
33 SUCH TIME AS A CHAIRMAN OF THE BOARD SHALL BE CHOSEN, BUT SUCH TREASURER
34 SHALL NOT BE ENTITLED TO A VOTE AT SUCH MEETING.

35 3. THE BOARD MEMBERS SHALL RECEIVE NO COMPENSATION FOR THEIR SERVICES.
36 THE SECRETARY SHALL RECEIVE SUCH COMPENSATION AS THE BOARD MAY DETER-
37 MINE. THE TREASURER SHALL RECEIVE SUCH COMPENSATION AS THE BOARD MAY
38 DETERMINE. EACH TREASURER AND EACH SECRETARY SHALL BEFORE ENTERING UPON
39 THE DUTIES OF HIS OR HER OFFICE TAKE THE CONSTITUTIONAL OATH OF OFFICE
40 AND FILE THE SAME WITH THE CLERK OF THE MUNICIPALITY OR ONE OF THE MUNI-
41 CIPALITIES IN WHICH SUCH DISTRICT IS LOCATED. THE TREASURER OF EACH
42 DISTRICT SHALL BEFORE ENTERING UPON THE DUTIES OF HIS OR HER OFFICE,
43 EXECUTE AND FILE WITH THE CLERK OF THE MUNICIPALITY OR ONE OF THE MUNI-
44 CIPALITIES IN WHICH SUCH DISTRICT IS LOCATED, AN OFFICIAL UNDERTAKING,
45 CONDITIONED FOR THE FAITHFUL PERFORMANCE OF HIS OR HER DUTIES AND THAT
46 HE OR SHE WILL AND TRULY KEEP, PAY OVER AND ACCOUNT FOR ALL MONEYS OF
47 THE DISTRICT COMING INTO HIS OR HER HANDS AS TREASURER OF THE DISTRICT.
48 THE UNDERTAKING SHALL BE IN SUCH FORM, IN SUCH SUM AND WITH SUCH SURE-
49 TIES AS THE BOARD SHALL DIRECT AND APPROVE AND SUCH APPROVAL SHALL BE
50 INDICATED UPON SUCH UNDERTAKING.

51 4. WHEN THE POSITION OF DISTRICT TREASURER OR DISTRICT SECRETARY IS
52 APPOINTIVE, AND IF NO QUALIFIED RESIDENT OF THE DISTRICT IS WILLING TO
53 PERFORM THE DUTIES OF DISTRICT TREASURER OR DISTRICT SECRETARY, A PERSON
54 WHO IS A NONRESIDENT OF SUCH DISTRICT MAY BE APPOINTED AS DISTRICT TREA-
55 SURER OR DISTRICT SECRETARY.

1 S 159. ELECTION OF BOARD MEMBERS. 1. AN ANNUAL ELECTION SHALL BE HELD
2 IN EACH DISTRICT ON THE SECOND TUESDAY IN DECEMBER. THE BOARD SHALL
3 GIVE NOTICE THEREOF BY THE PUBLICATION OF A NOTICE ONCE IN ONE OR MORE
4 NEWSPAPERS HAVING A GENERAL CIRCULATION IN THE DISTRICT. THE FIRST
5 PUBLICATION OF SUCH NOTICE SHALL BE NOT LESS THAN TWENTY-SEVEN DAYS AND
6 NOT MORE THAN THIRTY-FOUR DAYS PRIOR TO THE DATE OF SUCH ELECTION. SUCH
7 NOTICE SHALL SPECIFY THE TIME WHEN AND THE PLACE WHERE SUCH ELECTION
8 WILL BE HELD, THE OFFICERS TO BE ELECTED THEREAT AND THEIR TERMS OF
9 OFFICE, AND THE HOURS DURING WHICH THE POLLS WILL BE OPEN FOR THE
10 RECEIPT OF BALLOTS. THE SECRETARY OF SUCH DISTRICT SHALL PREPARE THE
11 BALLOTS FOR ALL ELECTIONS OF BOARD MEMBERS AND THE POLLS SHALL REMAIN
12 OPEN FOR THE RECEIPT THEREOF AT ALL ELECTIONS OF BOARD MEMBERS FROM
13 TWELVE O'CLOCK NOON UNTIL NINE O'CLOCK IN THE EVENING AND SUCH ADDI-
14 TIONAL CONSECUTIVE HOURS PRIOR THERETO AS THE BOARD OF SUCH DISTRICT MAY
15 HAVE DETERMINED AND SPECIFIED IN THE NOTICE THEREOF. THE BOARD SHALL
16 DESIGNATE A RESIDENT DISTRICT ELECTOR, WHO SHALL BE A REGISTERED VOTER
17 OF THE MUNICIPALITY, TO ACT AS CHAIRMAN OF ANY ELECTION OF SAID DISTRICT
18 AND SHALL DESIGNATE NOT LESS THAN TWO NOR MORE THAN FOUR RESIDENT
19 DISTRICT ELECTORS, WHO SHALL BE REGISTERED VOTERS OF THE MUNICIPALITY TO
20 ACT AS ELECTION INSPECTORS AND BALLOT CLERKS AT SUCH ELECTIONS. NO
21 MEMBER OF THE BOARD SHALL SERVE AS SUCH CHAIRMAN OR AS AN ELECTION
22 INSPECTOR OR BALLOT CLERK. THE BOARD MAY ADOPT A RESOLUTION PROVIDING
23 THAT SUCH CHAIRMAN, ELECTION INSPECTORS AND BALLOT CLERKS SHALL BE PAID
24 FOR THEIR RESPECTIVE SERVICES AT ANY SUCH ANNUAL ELECTION OR AT ANY
25 SPECIAL ELECTION OF THE DISTRICT. SUCH RESOLUTION, IF ADOPTED, SHALL FIX
26 THE AMOUNT OF SUCH COMPENSATION, AS FOLLOWS: IF THE HOURS DURING WHICH
27 THE POLLS WILL BE OPEN FOR THE RECEIPT OF BALLOTS ARE FROM TWELVE
28 O'CLOCK NOON UNTIL NINE O'CLOCK IN THE EVENING, A SUM NOT TO EXCEED
29 THIRTY-FIVE DOLLARS FOR EACH SUCH OFFICIAL; IF ADDITIONAL CONSECUTIVE
30 HOURS PRIOR TO TWELVE O'CLOCK NOON ARE DETERMINED AND SPECIFIED IN THE
31 NOTICE OF ELECTION, A SUM NOT TO EXCEED FIFTY DOLLARS FOR EACH SUCH
32 OFFICIAL.

33 2. EVERY ELECTOR OF THE MUNICIPALITY WHO SHALL BE A REGISTERED VOTER
34 AND WHO SHALL HAVE RESIDED IN THE DISTRICT FOR THE PERIOD OF THIRTY DAYS
35 NEXT PRECEDING ANY ELECTION OF BOARD MEMBERS SHALL BE QUALIFIED TO VOTE
36 FOR SUCH MEMBERS. EVERY ELECTOR OF THE MUNICIPALITY WHO SHALL BE A
37 REGISTERED VOTER AND WHO SHALL HAVE RESIDED IN THE DISTRICT FOR THE
38 PERIOD OF THIRTY DAYS NEXT PRECEDING ANY ELECTION AT WHICH A PROPOSITION
39 SHALL BE SUBMITTED, SHALL BE QUALIFIED TO VOTE UPON SUCH PROPOSITION.

40 3. EVERY BOARD MEMBER, TREASURER AND SECRETARY MUST AT THE TIME OF HIS
41 OR HER ELECTION OR APPOINTMENT AND THROUGHOUT HIS OR HER TERM OF OFFICE
42 BE A RESIDENT OF SUCH DISTRICT.

43 4. THERE SHALL BE CONSPICUOUSLY PLACED, BY THE RESIDENT ELECTOR,
44 DISTANCE MARKERS AT A DISTANCE OF ONE HUNDRED FEET FROM THE POLLING
45 PLACE. SUCH DISTANCE MARKERS SHALL BE SO PLACED AT LEAST ONE-HALF HOUR
46 BEFORE THE OPENING OF THE POLLS AND SHALL REMAIN UNTIL SUCH POLLS ARE
47 CLOSED. THE ONE HUNDRED FOOT DISTANCE SHALL BE DEEMED TO INCLUDE A ONE
48 HUNDRED FOOT RADIAL MEASURED FROM THE ENTRANCES, DESIGNATED BY THE RESI-
49 DENT ELECTOR, TO A BUILDING WHERE SUCH ELECTION IS BEING HELD. WHILE
50 THE POLLS ARE OPEN NO PERSON SHALL DO ANY ELECTIONEERING WITHIN THE
51 POLLING PLACE, OR IN ANY PUBLIC STREET WITHIN THE ONE HUNDRED FOOT RADI-
52 AL, OR WITHIN SUCH DISTANCE IN ANY PLACE IN A PUBLIC MANNER. NO ELECTIO-
53 NEERING BANNER, BUTTON, POSTER OR PLACARD ON BEHALF OF OR IN OPPOSITION
54 TO ANY CANDIDATE OR ISSUE TO BE VOTED UPON SHALL BE ALLOWED IN OR UPON
55 THE POLLING PLACE OR WITHIN SUCH ONE HUNDRED FEET THEREFROM DURING THE

1 ELECTION. ANY PERSON WHO WILLFULLY VIOLATES THE PROVISIONS OF THIS
2 SUBDIVISION SHALL BE GUILTY OF A MISDEMEANOR.

3 5. ALL OFFICIAL BALLOTS SHALL REMAIN IN THE CUSTODY OF ELECTION
4 INSPECTORS WITHIN THE POLLING PLACE FROM THE OPENING OF THE POLLS UNTIL
5 THE ANNOUNCEMENT OF THE RESULT OF THE CANVASS AND THE SIGNING OF THE
6 INSPECTORS' RETURNS THEREOF. AFTER THE POLLS SHALL HAVE BEEN CLOSED AT
7 ANY ELECTION HELD FOR THE ELECTION OF BOARD MEMBERS OR TO VOTE UPON A
8 PROPOSITION, THE ELECTION INSPECTORS AND BALLOT CLERKS SHALL IMMEDIATELY
9 CANVASS PUBLICLY THE BALLOTS CAST AND THE CHAIRMAN OF THE ELECTION SHALL
10 PUBLICLY ANNOUNCE THE RESULT. WITHIN SEVENTY-TWO HOURS THEREAFTER, THE
11 CHAIRMAN, ELECTION INSPECTORS AND BALLOT CLERKS SHALL EXECUTE AND FILE A
12 CERTIFICATE OF THE RESULT OF THE CANVASS WITH THE BOARD AND WITH THE
13 CLERK OF EACH MUNICIPALITY IN WHICH SAID DISTRICT OR ANY PART THEREOF
14 MAY BE LOCATED.

15 6. IF IN ANY DISTRICT THE NUMBER OF VOTERS IS SO GREAT AS TO RENDER IT
16 INEXPEDIENT OR IMPOSSIBLE TO CONDUCT THE ELECTION AT ONE POLLING PLACE,
17 THE BOARD MAY DIVIDE THE DISTRICT INTO ELECTION DISTRICTS AND PROVIDE A
18 POLLING PLACE FOR EACH SUCH ELECTION DISTRICT, PROVIDED, HOWEVER, THAT
19 THE NUMBER OF ELECTION DISTRICTS IN ANY DISTRICT SHALL NOT EXCEED ONE
20 FOR EACH SIX HUNDRED ELECTORS PLUS ONE FOR A REMAINING FRACTION OF SIX
21 HUNDRED. IN SUCH EVENT, THE NOTICE SPECIFIED IN SUBDIVISION ONE OF THIS
22 SECTION SHALL DESCRIBE THE ELECTION DISTRICTS AND STATE WHERE THE POLL-
23 ING PLACES WILL BE LOCATED, AND THE BOARD SHALL DESIGNATE NOT LESS THAN
24 TWO NOR MORE THAN FOUR RESIDENT DISTRICT ELECTORS, WHO SHALL BE REGIS-
25 TERED VOTERS OF THE MUNICIPALITY, TO ACT AS ELECTION INSPECTORS AND
26 BALLOT CLERKS AT EACH SUCH POLLING PLACE. THE BOARD MAY ADOPT A RESOL-
27 UTION PROVIDING THAT SUCH ELECTION INSPECTORS AND BALLOT CLERKS SHALL BE
28 PAID FOR THEIR RESPECTIVE SERVICES AT ANY SUCH ANNUAL ELECTION OR AT ANY
29 SPECIAL ELECTION OF THE DISTRICT. SUCH RESOLUTION, IF ADOPTED, SHALL FIX
30 THE AMOUNT OF SUCH COMPENSATION AS FOLLOWS: IF THE HOURS DURING WHICH
31 THE POLLS WILL BE OPEN FOR THE RECEIPT OF BALLOTS ARE FROM TWELVE
32 O'CLOCK NOON UNTIL NINE O'CLOCK IN THE EVENING, A SUM NOT TO EXCEED
33 THIRTY-FIVE DOLLARS FOR EACH SUCH OFFICIAL; IF ADDITIONAL CONSECUTIVE
34 HOURS PRIOR TO TWELVE O'CLOCK NOON ARE DETERMINED AND SPECIFIED IN THE
35 NOTICE OF ELECTION, A SUM NOT TO EXCEED FIFTY DOLLARS FOR EACH SUCH
36 OFFICIAL. NO ELECTIVE OFFICER OF THE DISTRICT SHALL SERVE AS AN ELECTION
37 INSPECTOR OR BALLOT CLERK.

38 S 159-A. REGISTRATION FOR VOTERS. 1. THE BOARD OF ANY DISTRICT MAY
39 PROVIDE BY RESOLUTION, THAT A PROPOSITION BE SUBMITTED AT ANY ANNUAL
40 DISTRICT ELECTION PROVIDING THAT ADDITIONAL PERSONAL REGISTRATION OF
41 VOTERS NOT REGISTERED WITH THE BOARD OF ELECTIONS SHALL BE PERMITTED FOR
42 ALL ELECTIONS IN SUCH DISTRICT. SUCH ADDITIONAL PERSONAL REGISTRATION
43 MAY BE TERMINATED BY A RESOLUTION OF THE BOARD AND THE PASSAGE OF A
44 PROPOSITION AT ANY ANNUAL DISTRICT ELECTION.

45 2. REGISTRATION FOR ALL DISTRICT ELECTIONS SHALL BE CONDUCTED AS
46 FOLLOWS:

47 (A) ONLY THOSE PERSONS REGISTERED WITH THE BOARD OF ELECTIONS ON OR
48 BEFORE THE TWENTY-THIRD DAY BEFORE SUCH ELECTION AND THOSE PERSONS WHOSE
49 NAMES ARE PLACED ON THE DISTRICT REGISTER PURSUANT TO THE PROVISIONS OF
50 THIS SECTION SHALL BE ENTITLED TO VOTE IN SUCH DISTRICT.

51 (B) IN DISTRICTS IN WHICH THERE IS ADDITIONAL PERSONAL REGISTRATION,
52 THE BOARD SHALL PUBLISH A RESOLUTION AT LEAST TWENTY-SEVEN DAYS PRIOR TO
53 ELECTION DAY, WHICH SHALL DESIGNATE THE DATES PRIOR TO REGISTRATION DAY
54 ON WHICH THE INSPECTORS OF ELECTION SHALL MEET TO COMMENCE THE PREPARA-
55 TION OF THE REGISTER; THE PLACE IN EACH DISTRICT WHERE SUCH MEETINGS,
56 REGISTRATION, IF ANY, AND ELECTION SHALL BE HELD; THE HOURS FOR SUCH

1 MEETINGS, REGISTRATION, IF ANY, AND ELECTION; BUT IN NO EVENT SHALL THE
2 HOURS FOR REGISTRATION BE LESS THAN THE HOURS FROM TWELVE O'CLOCK NOON
3 UNTIL NINE O'CLOCK IN THE EVENING. SUCH RESOLUTION SHALL BE ADOPTED AT
4 LEAST THIRTY DAYS PRIOR TO ELECTION DAY.

5 (C) IN A DISTRICT WHOSE ELECTORS HAVE APPROVED ADDITIONAL PERSONAL
6 REGISTRATION, SUCH REGISTRATION SHALL BE HELD ON THE SEVENTEENTH DAY
7 PRIOR TO THE ANNUAL DISTRICT ELECTION, EXCEPT IN THOSE DISTRICTS WHICH
8 PROVIDE BY RESOLUTION ADOPTED AT LEAST THIRTY-SEVEN DAYS PRIOR TO THE
9 DATE OF THE FIRST ELECTION FOR WHICH IT SHALL BE EFFECTIVE, FOR AN ADDI-
10 TIONAL DAY OF REGISTRATION TO BE HELD ON THE NINETEENTH DAY PRIOR TO THE
11 ANNUAL DISTRICT ELECTION. SUCH RESOLUTION SHALL REMAIN IN EFFECT FOR
12 SUBSEQUENT ANNUAL ELECTIONS, UNLESS AMENDED, MODIFIED OR REPEALED.

13 3. THE REGISTER FOR THE ANNUAL DISTRICT ELECTION SHALL BE PREPARED IN
14 EACH DISTRICT BY THE INSPECTORS OF ELECTION THEREOF ON THE DAYS PRIOR TO
15 REGISTRATION DAY, IF ANY, DESIGNATED THEREFOR, ON THE REGISTRATION DAY,
16 IF ANY, AT THE TIMES AND PLACES DESIGNATED BY THE RESOLUTION OF THE
17 BOARD. IN PREPARING SUCH REGISTER, THE INSPECTORS OF ELECTION SHALL
18 COMPLY WITH THE FOLLOWING PROCEDURE:

19 (A) THEY SHALL ADOPT, USE OR COPY FROM, THE REGISTRATION LIST CERTI-
20 FIED AND SUPPLIED BY THE COUNTY BOARD OF ELECTIONS THE NAMES APPEARING
21 THEREON OF ALL PERSONS RESIDING IN THE DISTRICT AND QUALIFIED TO VOTE IN
22 SUCH FORTHCOMING ANNUAL DISTRICT ELECTION AND IN THOSE INSTANCES IN
23 WHICH ADDITIONAL PERSONS ARE ENTITLED TO REGISTER PURSUANT TO THIS
24 SECTION, SUCH REGISTER SHALL BE COMPLETED BY ADDING THERETO THE NAMES OF
25 THE PERSONS PERSONALLY APPEARING BEFORE THEM AND PROVIDING TO THEIR
26 SATISFACTION TO THEN BE OR AT THE TIME OF ELECTION QUALIFIED TO VOTE.

27 (B) THE REGISTER FOR EACH DISTRICT SHALL INCLUDE AS A MINIMUM THE
28 SPACE FOR THE NAME OF THE VOTER, HIS OR HER ADDRESS WITHIN THE DISTRICT
29 AND A SPACE FOR HIS OR HER SIGNATURE TO BE SIGNED BY THE VOTER ON
30 ELECTION DAY. SUCH REGISTER SHALL ALSO CONTAIN A SPACE FOR THE SIGNATURE
31 OF THE VOTER TO BE SIGNED BY SUCH VOTER ON REGISTRATION DAY, IF ANY. IF
32 THE REGISTER SHALL CONTAIN ONLY SPACE FOR THE NAME, ADDRESS AND SIGNA-
33 TURE OF THE VOTER, THE DISTRICT SECRETARY SHALL FURNISH A PRINTED
34 CERTIFICATE TO BE SIGNED BY THE VOTER WHO APPEARS PERSONALLY BEFORE THE
35 INSPECTORS OF ELECTION ON REGISTRATION DAY IF HIS OR HER NAME DOES NOT
36 ALREADY APPEAR ON THE REGISTER. SUCH CERTIFICATE SHALL CONTAIN A STATE-
37 MENT THAT THE PERSON POSSESSES ALL THE NECESSARY QUALIFICATIONS FOR
38 VOTING IN DISTRICT ELECTIONS. SUCH CERTIFICATE SHALL BE ACCEPTED FOR ALL
39 PURPOSES AS THE EQUIVALENT OF AN AFFIDAVIT, AND IF IT CONTAINS A MATERI-
40 AL FALSE STATEMENT, SHALL SUBJECT THE PERSON SIGNING IT TO THE SAME
41 PENALTY AS IF HE OR SHE HAD BEEN DULY SWORN, AND SUCH PROVISION SHALL BE
42 PRINTED IN BOLD TYPE DIRECTLY ABOVE THE SIGNATURE LINE OF THE CERTIF-
43 ICATE.

44 4. THE DISTRICT SECRETARY SHALL FURNISH THE INSPECTORS OF ELECTION, AT
45 DISTRICT EXPENSE, WITH ALL NECESSARY REGISTRATION BOOKS, PAPERS, EQUIP-
46 MENT AND SUPPLIES.

47 5. REGISTRATION FOR SPECIAL DISTRICT ELECTIONS SHALL BE HELD IN THE
48 SAME MANNER AS IS PROVIDED IN THIS SECTION FOR ANNUAL DISTRICT
49 ELECTIONS, AND REGISTRATION DAYS THEREFOR SHALL BE THE SAME AS IF SAID
50 SPECIAL DISTRICT ELECTION WERE THE ANNUAL DISTRICT ELECTION.

51 6. IN LIEU OF THE PROVISIONS FOR DESIGNATING THE CHAIRMAN, ELECTION
52 INSPECTORS AND BALLOT CLERKS, AS SET FORTH IN SUBDIVISION ONE OF SECTION
53 ONE HUNDRED FIFTY-NINE OF THIS ARTICLE, THE BOARD SHALL, BY RESOLUTION
54 ADOPTED AT LEAST FORTY DAYS PRIOR TO THE ANNUAL DISTRICT ELECTION,
55 DESIGNATE A RESIDENT DISTRICT ELECTOR TO ACT AS CHAIRMAN OF ANY ELECTION
56 OF SAID DISTRICT AND SHALL DESIGNATE NOT LESS THAN TWO NOR MORE THAN

1 FOUR RESIDENT DISTRICT ELECTORS TO ACT AS ELECTION INSPECTORS AND BALLOT
2 CLERKS IN SUCH ELECTION. SUCH RESOLUTION SHALL FIX THE COMPENSATION OF
3 THE CHAIRMAN AND INSPECTORS AND, IN ADDITION, THE BOARD MAY PROVIDE FOR
4 ALTERNATE INSPECTORS WHO SHALL ASSUME THE OFFICE OF INSPECTOR UPON THE
5 INABILITY OR REFUSAL OF AN INSPECTOR TO ASSUME OR PERFORM HIS OR HER
6 DUTIES AND FOR ANY CLERICAL HELP WHICH THEY MAY DEEM NECESSARY. SUCH
7 CLERICAL HELP SHALL PERFORM THEIR DUTIES UNDER THE DIRECTION AND CONTROL
8 OF THE CHAIRMAN AND INSPECTORS OF ELECTION.

9 S 159-B. ABSENTEE BALLOTS. 1. THE BOARD OF ANY DISTRICT IN WHICH
10 OFFICERS ARE ELECTED, MAY, BY RESOLUTION, PROVIDE FOR ABSENTEE BALLOTS
11 FOR DISTRICT ELECTIONS, IN ACCORDANCE WITH THE PROVISIONS OF THIS
12 SECTION. SUCH RESOLUTION SHALL TAKE EFFECT AT THE FIRST SUCH ELECTION
13 HELD MORE THAN SIXTY DAYS AFTER ITS ADOPTION AND SHALL CONTINUE IN
14 EFFECT FOR ALL SUCH ELECTIONS UNTIL A SUBSEQUENT RESOLUTION PROVIDING
15 OTHERWISE SHALL, IN LIKE MANNER, HAVE TAKEN EFFECT.

16 2. A. AN APPLICANT FOR SUCH AN ABSENTEE BALLOT SHALL SUBMIT AN APPLI-
17 CATION SETTING FORTH (1) HIS OR HER NAME AND RESIDENCE ADDRESS, INCLUD-
18 ING THE STREET AND NUMBER, IF ANY, OR CITY, TOWN OR VILLAGE AND RURAL
19 DELIVERY ROUTE, IF ANY; (2) THAT HE OR SHE IS OR WILL BE, ON THE DAY OF
20 THE ELECTION, A QUALIFIED VOTER OF THE DISTRICT IN WHICH HE OR SHE
21 RESIDES IN THAT HE OR SHE IS OR WILL BE, ON SUCH DATE, OVER EIGHTEEN
22 YEARS OF AGE, A CITIZEN OF THE UNITED STATES AND HAS OR WILL HAVE
23 RESIDED IN THE DISTRICT FOR THIRTY DAYS NEXT PRECEDING SUCH DATE; (3)
24 THAT HE OR SHE IS REGISTERED IN THE MUNICIPALITY; (4) THAT HE OR SHE
25 WILL BE UNABLE TO APPEAR TO VOTE IN PERSON ON THE DAY OF THE ELECTION
26 FOR WHICH THE ABSENTEE BALLOT IS REQUESTED BECAUSE HE OR SHE IS, OR WILL
27 BE ON SUCH DAY (A) A PATIENT IN A HOSPITAL, OR UNABLE TO APPEAR
28 PERSONALLY AT THE POLLING PLACE ON SUCH DAY BECAUSE OF ILLNESS OR PHYS-
29 ICAL DISABILITY OR (B) BECAUSE HIS OR HER DUTIES, OCCUPATION OR BUSINESS
30 WILL REQUIRE HIM OR HER TO BE OUTSIDE OF THE COUNTY OF HIS OR HER RESI-
31 DENCE ON SUCH DAY, (C) BECAUSE HE OR SHE WILL BE ON VACATION OUTSIDE THE
32 COUNTY OF HIS OR HER RESIDENCE ON SUCH DAY; OR, (D) ABSENT FROM HIS OR
33 HER VOTING RESIDENCE BECAUSE HE OR SHE IS DETAINED IN JAIL AWAITING
34 ACTION BY A GRAND JURY OR AWAITING TRIAL OR IS CONFINED IN PRISON AFTER
35 CONVICTION FOR AN OFFENSE OTHER THAN A FELONY. SUCH APPLICATION MUST BE
36 RECEIVED BY THE DISTRICT SECRETARY AT LEAST SEVEN DAYS BEFORE THE
37 ELECTION IF THE BALLOT IS TO BE MAILED TO THE VOTER, OR THE DAY BEFORE
38 THE ELECTION, IF THE BALLOT IS TO BE DELIVERED PERSONALLY TO THE VOTER
39 OR HIS OR HER AGENT.

40 B. (1) WHERE SUCH DUTIES, OCCUPATION OR BUSINESS ARE OF SUCH A
41 NATURE AS ORDINARILY TO REQUIRE SUCH ABSENCE, A BRIEF DESCRIPTION OF
42 SUCH DUTIES, OCCUPATION OR BUSINESS SHALL BE SET FORTH IN SUCH AFFIDA-
43 VIT. (2) WHERE SUCH DUTIES, OCCUPATION OR BUSINESS ARE NOT OF SUCH A
44 NATURE AS ORDINARILY TO REQUIRE SUCH ABSENCE, SUCH APPLICATION SHALL
45 CONTAIN A STATEMENT OF THE SPECIAL CIRCUMSTANCES ON ACCOUNT OF WHICH
46 SUCH ABSENCE IS REQUIRED.

47 C. WHERE THE APPLICANT EXPECTS IN GOOD FAITH TO BE ABSENT ON THE DAY
48 OF THE ELECTION BECAUSE HE OR SHE WILL BE ON VACATION ELSEWHERE ON SUCH
49 DAY, SUCH APPLICATION SHALL ALSO CONTAIN THE DATES UPON WHICH HE OR SHE
50 EXPECTS TO BEGIN AND END SUCH VACATION, THE PLACE OR PLACES WHERE HE OR
51 SHE EXPECTS TO BE ON SUCH VACATION, THE NAME AND ADDRESS OF HIS OR HER
52 EMPLOYER, IF ANY, AND IF SELF-EMPLOYED, A STATEMENT TO THAT EFFECT.

53 D. WHERE THE ABSENCE IS BECAUSE OF DETENTION OR CONFINEMENT TO JAIL,
54 SUCH AFFIDAVIT SHALL STATE WHETHER THE VOTER IS DETAINED AWAITING ACTION
55 OF THE GRAND JURY OR IS CONFINED AFTER CONVICTION FOR AN OFFENSE OTHER
56 THAN A FELONY.

1 E. WHERE A PERSON IS OR WOULD BE, IF HE OR SHE WERE A QUALIFIED
2 VOTER, ENTITLED TO APPLY FOR THE RIGHT TO VOTE BY ABSENTEE BALLOT UNDER
3 THE PROVISIONS OF THIS SECTION, HIS OR HER SPOUSE, PARENT OR CHILD, IF A
4 QUALIFIED VOTER AND A RESIDENT OF THE SAME DISTRICT, SHALL BE ENTITLED
5 TO VOTE AS AN ABSENTEE VOTER UPON PERSONALLY MAKING AND SIGNING AN
6 APPLICATION IN ACCORDANCE WITH THE PRECEDING PROVISIONS OF THIS SUBDIVI-
7 SION AND SHOWING THAT HE OR SHE EXPECTS TO BE ABSENT FROM THE DISTRICT
8 ON THE DAY OF THE DISTRICT ELECTION BY REASON OF ACCOMPANYING OR BEING
9 WITH THE SPOUSE, CHILD OR PARENT WHO IS OR WOULD BE, IF HE OR SHE WERE A
10 QUALIFIED VOTER, SO ENTITLED TO APPLY FOR THE RIGHT TO VOTE BY ABSENTEE
11 BALLOT, AND, IN THE EVENT NO APPLICATION IS MADE BY SUCH SPOUSE, CHILD
12 OR PARENT, SUCH FURTHER INFORMATION AS THE FIRE DISTRICT SHALL REQUIRE.

13 F. SUCH APPLICATION SHALL INCLUDE THE FOLLOWING STATEMENT TO BE
14 SIGNED BY THE VOTER.

15 I HEREBY DECLARE THAT THE FOREGOING IS A TRUE STATEMENT TO THE BEST OF
16 MY KNOWLEDGE AND BELIEF, AND I UNDERSTAND THAT IF I MAKE ANY MATERIAL
17 FALSE STATEMENT IN THE FOREGOING STATEMENT OF APPLICATION FOR ABSENTEE
18 BALLOTS, I SHALL BE GUILTY OF A MISDEMEANOR.

19 DATE.....SIGNATURE OF VOTER.....

20 G. AN APPLICANT WHOSE ABILITY TO APPEAR PERSONALLY AT THE POLLING
21 PLACE OF THE DISTRICT OF WHICH HE OR SHE IS A QUALIFIED VOTER IS
22 SUBSTANTIALLY IMPAIRED BY REASON OF PERMANENT ILLNESS OR PHYSICAL DISA-
23 BILITY AND WHOSE REGISTRATION RECORD HAS BEEN MARKED "PERMANENTLY DISA-
24 BLED" BY THE BOARD OF ELECTIONS PURSUANT TO THE PROVISIONS OF THE
25 ELECTION LAW SHALL BE ENTITLED TO RECEIVE AN ABSENTEE BALLOT PURSUANT TO
26 THE PROVISIONS OF THIS SECTION WITHOUT MAKING SEPARATE APPLICATION FOR
27 SUCH ABSENTEE BALLOT, AND THE SECRETARY OF THE DISTRICT, UPON BEING
28 ADVISED BY THE BOARD OF ELECTIONS ON OR WITH THE LIST OF REGISTERED
29 VOTERS THAT THE REGISTRATION RECORD OF A VOTER IS MARKED "PERMANENTLY
30 DISABLED", SHALL SEND AN ABSENTEE BALLOT TO SUCH VOTER AT HIS OR HER
31 LAST KNOWN ADDRESS BY FIRST CLASS MAIL WITH A REQUEST TO THE POSTAL
32 AUTHORITIES NOT TO FORWARD SAME BUT TO RETURN SAME IN FIVE DAYS IN THE
33 EVENT THAT IT CANNOT BE DELIVERED TO THE ADDRESSEE. THE ELECTION
34 INSPECTORS OF THE DISTRICT SHALL MAKE AN APPROPRIATE ENTRY ON THE REGIS-
35 TRATION RECORD INDICATING THE FACT THAT AN ABSENTEE BALLOT HAS BEEN SENT
36 AND THE DATE OF MAILING.

37 3. IF, UPON EXAMINING THE APPLICATION REQUIRED UNDER THE PROVISIONS
38 OF SUBDIVISION TWO OF THIS SECTION, AND UPON SUCH INQUIRY AS IT DEEMS
39 PROPER, THE ELECTION INSPECTORS OF THE DISTRICT SHALL BE SATISFIED THAT
40 THE APPLICANT IS A QUALIFIED VOTER OF THE DISTRICT, AND ENTITLED TO VOTE
41 BY ABSENTEE BALLOT, SUCH ELECTION INSPECTORS SHALL PLACE HIS OR HER NAME
42 UPON A LIST, THEREUPON THE APPLICANT SHALL BE ISSUED OR MAILED AN ABSEN-
43 TEE VOTER'S BALLOT AND THE ELECTION INSPECTORS OF THE DISTRICT SHALL
44 MAKE AN APPROPRIATE ENTRY ON THE LIST INDICATING THAT AN ABSENTEE BALLOT
45 HAS BEEN APPLIED FOR BY, AND ISSUED TO, THE APPLICANT.

46 4. BALLOTS FOR ABSENTEE VOTERS SHALL BE, AS NEARLY AS PRACTICABLE, IN
47 THE SAME FORM AS THOSE TO BE VOTED AT THE DISTRICT ELECTION; IF THE VOTE
48 AT SUCH ELECTION SHALL BE BY BALLOT, THE ABSENTEE BALLOT SHALL CONFORM
49 TO THAT PART OF THE REGULAR BALLOT WHICH RELATES TO THE ELECTION OF
50 BOARD MEMBERS; IF THE VOTE OF SUCH ELECTION SHALL BE BY VOTING MACHINE,
51 THE ABSENTEE BALLOT SHALL CONFORM AS CLOSELY AS POSSIBLE TO THE MANNER
52 IN WHICH THE NAMES OF THE CANDIDATES APPEAR ON THE VOTING MACHINES,
53 EXCEPT THAT THE ABSENTEE BALLOT SHALL ALSO CONTAIN A SPACE FOR A WRITE-
54 IN OR WRITE-INS. ON THE BACK OF SUCH ABSENTEE BALLOTS SHALL BE PRINTED
55 THE WORDS "OFFICIAL BALLOT, ABSENTEE VOTER," FOLLOWED BY THE WORDS "FOR
56 MEMBERS OF BOARD OF TRUSTEES OF LIBRARY DISTRICT."

1 5. A. THE BOARD OF REGISTRATION SHALL ENCLOSE EACH ABSENTEE VOTER'S
2 BALLOT IN AN ENVELOPE WHICH SHALL BE LABELLED:

3 ELECTION MATERIAL

4 PLEASE EXPEDITE

5 ON ONE SIDE OF SUCH ENVELOPE SHALL BE PRINTED:

6 OFFICIAL BALLOT, ABSENTEE VOTER

7 AT

8 LIBRARY DISTRICT ELECTION

9 NAME OF VOTER.....

10 RESIDENCE (STREET AND NUMBER, IF ANY).....

11 CITY (OR TOWN) OF.....

12 COUNTY OF.....

13 LIBRARY DISTRICT.....

14 THE DATE OF THE ELECTION AND NAME OF THE DISTRICT SHALL BE PRINTED,
15 AND THE NAME OF THE VOTER, RESIDENCE AND DISTRICT SHALL BE WRITTEN IN BY
16 THE DISTRICT.

17 B. ON THE REVERSE SIDE OF SUCH ENVELOPE SHALL BE PRINTED THE FOLLOW-
18 ING STATEMENT:

19 STATEMENT OF ABSENTEE VOTER

20 I DO DECLARE THAT I WILL HAVE BEEN A CITIZEN OF THE UNITED STATES FOR
21 THIRTY DAYS, AND WILL BE AT LEAST EIGHTEEN YEARS OF AGE, ON THE DATE OF
22 THE DISTRICT ELECTION; THAT I WILL HAVE BEEN A RESIDENT OF THIS STATE
23 AND OF THE DISTRICT IF ANY, SHOWN ON THE REVERSE SIDE OF THIS ENVELOPE
24 FOR THIRTY DAYS NEXT PRECEDING THE SAID ELECTION AND THAT I AM OR ON
25 SUCH DATE WILL BE, A REGISTERED VOTER OF SAID DISTRICT; THAT I WILL BE
26 UNABLE TO APPEAR PERSONALLY ON THE DAY OF SAID DISTRICT ELECTION AT THE
27 POLLING PLACE OF THE SAID DISTRICT IN WHICH I AM OR WILL BE A QUALIFIED
28 VOTER BECAUSE OF THE REASON STATED ON MY APPLICATION HERETOFORE SUBMIT-
29 TED; THAT I HAVE NOT QUALIFIED, OR DO I INTEND TO VOTE, ELSEWHERE THAN
30 AS SET FORTH ON THE REVERSE SIDE OF THIS ENVELOPE; THAT I HAVE NOT
31 RECEIVED OR OFFERED, DO NOT EXPECT TO RECEIVE, HAVE NOT PAID, OFFERED OR
32 PROMISED TO PAY, CONTRIBUTED, OFFERED OR PROMISED TO CONTRIBUTE TO
33 ANOTHER TO BE PAID OR USED, ANY MONEY OR OTHER VALUABLE THING, AS A
34 COMPENSATION OR REWARD FOR THE GIVING OR WITHHOLDING OF A VOTE AT THIS
35 DISTRICT ELECTION, AND HAVE NOT MADE ANY PROMISE TO INFLUENCE THE GIVING
36 OR WITHHOLDING OF ANY SUCH VOTES; THAT I HAVE NOT MADE OR BECOME DIRECT-
37 LY OR INDIRECTLY INTERESTED IN ANY BET OR WAGER DEPENDING UPON THE
38 RESULT OF THIS DISTRICT ELECTION; AND THAT I HAVE NOT BEEN CONVICTED OF
39 BRIBERY OR ANY INFAMOUS CRIME, OR, IF SO CONVICTED, THAT I HAVE BEEN
40 PARDONED OR RESTORED TO ALL THE RIGHTS OF A CITIZEN, WITHOUT RESTRICTION
41 AS TO THE RIGHT OF SUFFRAGE, OR RECEIVED A CERTIFICATE OF GOOD CONDUCT
42 GRANTED BY THE BOARD OF PAROLE PURSUANT TO THE PROVISIONS OF THE EXECU-
43 TIVE LAW REMOVING MY DISABILITY TO REGISTER AND VOTE.

44 I HEREBY DECLARE THAT THE FOREGOING IS A TRUE STATEMENT TO THE BEST OF
45 MY KNOWLEDGE AND BELIEF, AND I UNDERSTAND THAT IF I MAKE ANY MATERIAL
46 FALSE STATEMENT IN THE FOREGOING STATEMENT OF ABSENTEE VOTER, I SHALL BE
47 GUILTY OF A MISDEMEANOR.

48 DATE.....SIGNATURE OF VOTER.....

49 C. THE ENVELOPE SHALL BE GUMMED, READY FOR SEALING, AND SHALL HAVE
50 PRINTED THEREON, ON THE SIDE OPPOSITE THE STATEMENT, INSTRUCTIONS AS TO
51 THE DUTIES OF THE VOTER AFTER THE MARKING OF THE BALLOT, WHICH
52 INSTRUCTIONS SHALL INCLUDE A SPECIFIC DIRECTION STATING THAT THE ENVEL-
53 OPE MUST REACH THE OFFICE OF THE DISTRICT NOT LATER THAN FIVE P.M. ON
54 THE DAY OF THE ELECTION IN ORDER THAT HIS OR HER VOTE MAY BE CANVASSED.

1 D. A PERSON WHO SHALL MAKE ANY MATERIAL FALSE STATEMENT IN THE STATE-
2 MENT OF ABSENTEE VOTER APPEARING ON THE REVERSE SIDE OF THE ENVELOPE AS
3 PROVIDED IN THIS SUBDIVISION, SHALL BE GUILTY OF A MISDEMEANOR.

4 6. A. THE SECRETARY OF THE DISTRICT SHALL MAKE A LIST OF ALL PERSONS
5 TO WHOM ABSENTEE VOTER'S BALLOTS SHALL HAVE BEEN ISSUED AND KEEP SUCH
6 LIST ON FILE IN THE OFFICE WHERE IT SHALL BE AVAILABLE FOR PUBLIC
7 INSPECTION DURING REGULAR OFFICE HOURS UNTIL THE DAY OF THE ELECTION.
8 ANY QUALIFIED VOTER MAY, UPON EXAMINATION OF SUCH LIST, FILE A WRITTEN
9 CHALLENGE OF THE QUALIFICATIONS AS A VOTER OF ANY PERSON WHOSE NAME
10 APPEARS ON SUCH LIST, STATING THE REASONS FOR SUCH CHALLENGE. SUCH
11 WRITTEN CHALLENGE SHALL BE TRANSMITTED BY THE SECRETARY TO THE INSPEC-
12 TORS OF ELECTION ON ELECTION DAY.

13 B. SUCH LIST SHALL ALSO BE POSTED IN A CONSPICUOUS PLACE OR PLACES
14 DURING THE ELECTION, AND ANY QUALIFIED VOTER MAY CHALLENGE THE ACCEPT-
15 ANCE OF THE ABSENTEE VOTER'S BALLOT OF ANY PERSON ON SUCH LIST, BY
16 MAKING HIS OR HER CHALLENGE AND THE REASONS THEREFOR KNOWN TO THE
17 ELECTION INSPECTORS BEFORE THE CLOSE OF THE POLLS.

18 7. A. THE SECRETARY OF THE DISTRICT SHALL BE AUTHORIZED TO CALL UPON
19 THE CHIEF OF POLICE OR THE COUNTY SHERIFF AND THE OFFICERS AND MEMBERS
20 OF THE POLICE FORCE OR SHERIFF'S DEPARTMENT FOR SUCH ASSISTANCE IN THE
21 ENFORCEMENT OF THE PROVISIONS OF THIS SECTION AS SUCH BOARD SHALL
22 REQUIRE, AND SUCH CHIEF AND OFFICERS AND MEMBERS OF THE POLICE FORCE AND
23 SHERIFF'S DEPARTMENT SHALL BE AUTHORIZED TO RENDER SUCH ASSISTANCE.

24 B. THE ELECTION INSPECTORS OF THE DISTRICT MAY REQUIRE ANY PERSON TO
25 ATTEND BEFORE THEM AT THE OFFICE OF THE SECRETARY OF THE DISTRICT AND BE
26 EXAMINED AS TO ANY MATTER IN RELATION TO WHICH SUCH DISTRICT IS CHARGED
27 WITH A DUTY UNDER THIS SECTION, AND MAY ISSUE A SUBPOENA THEREFOR. EACH
28 MEMBER OF SUCH ELECTION INSPECTORS DISTRICT SHALL BE AUTHORIZED TO
29 ADMINISTER ANY OATH THAT MAY BE REQUIRED OR AUTHORIZED BY LAW IN THIS
30 CONNECTION.

31 8. NO ABSENTEE VOTER'S BALLOT SHALL BE CANVASSED, UNLESS IT SHALL
32 HAVE BEEN RECEIVED IN THE OFFICE OF THE SECRETARY OF THE DISTRICT NOT
33 LATER THAN FIVE P.M. ON THE DAY OF THE ELECTION.

34 9. THE SECRETARY OF THE DISTRICT SHALL, ON THE DAY OF THE ELECTION,
35 TRANSMIT ALL ABSENTEE VOTERS' ENVELOPES, RECEIVED BY HIM OR HER IN
36 ACCORDANCE WITH SUBDIVISION EIGHT OF THIS SECTION, TO THE ELECTION
37 INSPECTORS.

38 10. IF, AT THE DISTRICT ELECTION, ANY ABSENTEE VOTERS' ENVELOPES
39 SHALL HAVE BEEN RECEIVED AT THE POLLING PLACE, THE ELECTION INSPECTORS
40 IMMEDIATELY AFTER THE CLOSING OF THE POLLS SHALL EXAMINE THEM, AND SHALL
41 COMPARE THE SIGNATURE, IF ANY, ON EACH ENVELOPE WITH THE SIGNATURE, IF
42 ANY, ON THE REGISTER, OF THE PERSON OF THE SAME NAME WHO REGISTERED FROM
43 THE SAME ADDRESS. IF THE SIGNATURES ARE FOUND TO CORRESPOND, THE
44 ELECTION INSPECTORS SHALL CERTIFY THERETO BY SIGNING THEIR INITIALS
45 OPPOSITE THE NAME OF THE VOTER AT THE APPROPRIATE PLACE IN THE REGISTER.
46 IF A PERSON WHOSE NAME IS ON AN ENVELOPE AS A VOTER, SHALL HAVE ALREADY
47 VOTED IN PERSON AT SUCH DISTRICT ELECTION, OR IF HIS OR HER NAME, RESI-
48 DENCE AND SIGNATURE, AS STATED ON THE ENVELOPE, ARE NOT ON THE REGISTER,
49 OR IF THERE IS NO SIGNATURE ON THE ENVELOPE, THIS ENVELOPE SHALL BE LAID
50 ASIDE UNOPENED AND BE RETURNED UNOPENED TO THE SECRETARY OF THE
51 DISTRICT. IF SUCH PERSON IS FOUND TO BE REGISTERED AND HAS NOT SO VOTED
52 IN PERSON, AND IF NO OBJECTION IS MADE, OR IF AN OBJECTION MADE BE NOT
53 SUSTAINED, THE ENVELOPE SHALL BE OPENED AND THE BALLOT WITHDRAWN WITHOUT
54 UNFOLDING AND DEPOSITED IN THE PROPER BOX OR BOXES. AT THE TIME OF THE
55 DEPOSIT OF SUCH BALLOT, THE ELECTION INSPECTORS SHALL ENTER THE WORDS
56 "ABSENTEE VOTE" AT AN APPROPRIATE PLACE IN THE REGISTER.

1 11. DURING SUCH EXAMINATION ANY QUALIFIED VOTER PRESENT IN THE POLL-
2 ING PLACE MAY OBJECT TO THE VOTING OF THE BALLOT CONTAINED IN ANY ENVEL-
3 OPE UPON THE GROUND OR GROUNDS (A) THAT THE PERSON NAMED THEREON IS NOT
4 A QUALIFIED VOTER OF THE DISTRICT, OR (B) THAT HE OR SHE WAS WITHIN THE
5 COUNTY OR CITY WHILE THE POLLS OF THE ELECTION WERE OPEN, EXCEPT WHERE
6 THE APPLICANT IS A PATIENT IN A HOSPITAL LOCATED WITHIN THE COUNTY OR
7 CITY OR DETAINED OR CONFINED IN A JAIL LOCATED WITHIN THE COUNTY OR CITY
8 AND EXCEPT WHERE THE BALLOT WAS OBTAINED UPON THE GROUND OF INABILITY TO
9 APPEAR PERSONALLY AT THE POLLING PLACE ON THE DAY OF THE DISTRICT
10 ELECTION BECAUSE OF ILLNESS OR PHYSICAL DISABILITY, OR (C) THAT HE OR
11 SHE WAS ABLE TO APPEAR PERSONALLY WHILE THE POLLS WERE OPEN, IN CASES
12 WHERE THE BALLOT WAS OBTAINED UPON THE GROUND THAT THE VOTER WAS A
13 PATIENT IN A HOSPITAL LOCATED WITHIN THE COUNTY OR CITY OR DETAINED OR
14 CONFINED IN A JAIL LOCATED WITHIN THE COUNTY OR CITY OR UPON THE GROUND
15 OF INABILITY TO APPEAR PERSONALLY AT THE POLLING PLACE ON THE DAY OF THE
16 ELECTION BECAUSE OF ILLNESS OR PHYSICAL DISABILITY, OR (D) THAT HE OR
17 SHE WAS NOT ENTITLED TO CAST SUCH BALLOT. AN ELECTION INSPECTOR SHALL
18 MAKE SUCH AN OBJECTION IF HE OR SHE SHALL KNOW OR SUSPECT THAT THE
19 PERSON NAMED ON SUCH ENVELOPE IS NOT SUCH A QUALIFIED VOTER OR WAS SO
20 WITHIN THE DISTRICT OR WAS ABLE SO TO APPEAR PERSONALLY, OR WAS NOT
21 ENTITLED TO CAST SUCH BALLOT. THE ELECTION INSPECTORS SHALL FORTHWITH
22 PROCEED TO DETERMINE EACH OBJECTION INCLUDING ANY WRITTEN CHALLENGE
23 TRANSMITTED TO THEM BY THE DISTRICT SECRETARY AS PROVIDED IN SUBDIVISION
24 SIX OF THIS SECTION. UNLESS THE ELECTION INSPECTORS, BY MAJORITY VOTE,
25 SHALL SUSTAIN THE OBJECTION, THE CHAIRMAN, OR IF HE OR SHE REFUSES,
26 ANOTHER ELECTION INSPECTOR SHALL ENDORSE UPON THE ENVELOPE THE OBJECTION
27 AND THE WORDS "NOT SUSTAINED," SHALL SIGN SUCH ENDORSEMENT, AND SHALL
28 OPEN THE ENVELOPE AND DEPOSIT THE BALLOT AS PROVIDED IN THIS SECTION.
29 SHOULD THE ELECTION INSPECTORS, BY MAJORITY VOTE, SUSTAIN SUCH
30 OBJECTION, THE OBJECTION AND WORD "SUSTAINED" SHALL BE SIMILARLY
31 ENDORSED UPON THE ENVELOPE, THE ENVELOPE SHALL NOT BE OPENED NOR THE
32 BALLOTS THEREIN CANVASSED, AND SUCH ENVELOPE SHALL BE RETURNED UNOPENED
33 TO THE SECRETARY OF THE DISTRICT. IF THE ELECTION INSPECTORS SHALL HAVE
34 RECEIVED AN ENVELOPE ENDORSED WITH THE NAME OF A PERSON WHO TO THE KNOW-
35 LEDGE OF THE ELECTION INSPECTORS IS DECEASED ON THE DAY OF THE ELECTION,
36 THE ELECTION INSPECTORS SHALL RETURN SUCH ENVELOPE UNOPENED TO THE
37 SECRETARY OF THE DISTRICT WITH THE WORDS "DECEASED--OBJECTION SUSTAINED"
38 ENDORSED ON THE ENVELOPE.

39 12. IF THE ELECTION INSPECTORS SHALL HAVE RECEIVED AN ENVELOPE, AND
40 UPON OPENING THE SAME NO BALLOT SHALL BE FOUND THEREIN, THE ELECTION
41 INSPECTORS SHALL MAKE A MEMORANDUM SHOWING THAT THE BALLOT IS MISSING.
42 WHEN THE CASTING OF ABSENTEE VOTERS' BALLOTS SHALL HAVE BEEN COMPLETED,
43 THE ELECTION INSPECTORS SHALL ASCERTAIN THE NUMBER OF SUCH BALLOTS WHICH
44 HAVE BEEN DEPOSITED IN THE BALLOT BOX BY DEDUCTING FROM THE NUMBER OF
45 ENVELOPES OPENED THE NUMBER OF MISSING BALLOTS, AND SHALL MAKE A SEPA-
46 RATE RETURN THEREOF IN DUPLICATE. THE NUMBER OF ABSENTEE VOTERS' BALLOTS
47 DEPOSITED IN THE BALLOT BOX SHALL BE ADDED TO THE NUMBER OF OTHER
48 BALLOTS DEPOSITED IN THE BALLOT BOX IN ORDER TO DETERMINE THE NUMBER OF
49 ALL BALLOTS TO BE ACCOUNTED FOR IN THE BALLOT BOX. SUCH BALLOTS SHALL
50 THEN BE COUNTED OR CANVASSED BY THE ELECTION INSPECTORS ALONG WITH THE
51 OTHER BALLOTS CAST AT SUCH DISTRICT ELECTION, OR, WHERE VOTING MACHINES
52 ARE USED, SHALL BE ADDED TO THE VOTES RECORDED ON SUCH MACHINES.

53 13. THE PROVISIONS OF THIS SECTION SHALL APPLY TO ABSENTEE BALLOTS AT
54 DISTRICT ELECTIONS, NOTWITHSTANDING ANY OTHER PROVISION OF LAW. THE
55 PROVISIONS OF ANY OTHER LAW AS THEY RELATE TO DISTRICT ELECTIONS NOT
56 INCONSISTENT HERewith SHALL APPLY TO THE CONDUCT OF SUCH ELECTIONS.

1 S 159-C. POWERS AND DUTIES OF BOARD. EACH BOARD OF A DISTRICT:

2 1. SHALL ELECT ONE OF THEIR MEMBERS A CHAIRMAN AT THE FIRST MEETING OF
3 THE BOARD AFTER SUCH DISTRICT SHALL HAVE BEEN ESTABLISHED OR CONSOL-
4 IDATED, AND ANNUALLY THEREAFTER AT THE FIRST MEETING THEREOF FOLLOWING
5 EACH ELECTION, OF THE MEMBERS OF THE BOARD. SUCH CHAIRMAN, WHEN PRESENT,
6 SHALL PRESIDE AT THE MEETINGS OF THE BOARD. IN THE ABSENCE OF THE CHAIR-
7 MAN, THE OTHER MEMBERS MAY DESIGNATE ONE SUCH MEMBER TO ACT AS TEMPORARY
8 CHAIRMAN.

9 2. SHALL APPOINT A DISTRICT SECRETARY.

10 3. WHENEVER A VACANCY SHALL OCCUR IN THE MEMBERSHIP OF THE BOARD THE
11 BOARD OR A MAJORITY OF THE MEMBERS THEREOF IN OFFICE MAY APPOINT A QUAL-
12 IFIED PERSON TO FILL THE VACANCY. THE PERSON SO APPOINTED SHALL HOLD
13 OFFICE UNTIL THE THIRTY-FIRST OF DECEMBER NEXT SUCCEEDING THE FIRST
14 ANNUAL DISTRICT ELECTION HELD THEREAFTER AND AT SUCH ELECTION A SUCCE-
15 SSOR SHALL BE ELECTED FOR THE UNEXPIRED PORTION OF THE TERM BEGINNING ON
16 THE FIRST DAY OF JANUARY NEXT SUCCEEDING. IF A VACANCY SHALL OCCUR AFTER
17 THE FIRST DAY OF OCTOBER IN ANY YEAR, THE PERSON SO APPOINTED TO FILL
18 THE VACANCY SHALL HOLD OFFICE UNTIL THE THIRTY-FIRST DAY OF DECEMBER OF
19 THE FOLLOWING CALENDAR YEAR AND A SUCCESSOR SHALL BE ELECTED AT THE
20 ANNUAL DISTRICT ELECTION HELD IMMEDIATELY PRIOR THERETO TO SERVE FOR THE
21 UNEXPIRED PORTION OF THE TERM; PROVIDED, HOWEVER, THAT IF A VACANCY SO
22 OCCURS, THE TERM OF WHICH WOULD EXPIRE ON THE THIRTY-FIRST DAY OF DECEM-
23 BER NEXT SUCCEEDING, THE PERSON SO APPOINTED SHALL HOLD OFFICE ONLY
24 UNTIL SUCH THIRTY-FIRST DAY OF DECEMBER.

25 4. SHALL HAVE ALL POWERS AND DUTIES OF A LIBRARY BOARD OF TRUSTEES AS
26 PROVIDED IN TITLE TWO OF ARTICLE FIVE OF THE EDUCATION LAW.

27 S 159-D. ANNUAL STATEMENT OF EXPENDITURES AND LEVY OF TAXES. 1. THE
28 FISCAL YEAR OF EACH DISTRICT SHALL BEGIN ON THE FIRST DAY OF JANUARY AND
29 END ON THE THIRTY-FIRST DAY OF DECEMBER.

30 2. THE BOARD OF EACH DISTRICT SHALL ANNUALLY PREPARE AND FILE WITH THE
31 BUDGET OFFICER OF EACH MUNICIPALITY IN WHICH THE DISTRICT IS LOCATED,
32 DETAILED ESTIMATES IN WRITING OF THE AMOUNT OF REVENUES TO BE RECEIVED
33 AND EXPENDITURES TO BE MADE DURING THE NEXT FISCAL YEAR FOR THE PURPOSES
34 OF SUCH DISTRICT AND WITHIN THE LIMITATIONS SPECIFIED IN THIS ARTICLE.
35 IN ADDITION, THE BOARD SHALL PREPARE AND SUBMIT AN ESTIMATE OF THE FUND
36 BALANCE, TOGETHER WITH A BREAKDOWN OF SUCH FUND BALANCE ESTIMATED FOR
37 ENCUMBRANCES, AMOUNTS ESTIMATED TO BE EXPENDED FOR THE ENSUING FISCAL
38 YEAR, AMOUNTS RESERVED FOR STATED PURPOSES PURSUANT TO LAW AND THE
39 REMAINING UNAPPROPRIATED UNRESERVED FUND BALANCE, PROVIDED THAT THE
40 REMAINING ESTIMATED UNAPPROPRIATED UNRESERVED FUND BALANCE FOR EACH FUND
41 SHALL NOT EXCEED A REASONABLE AMOUNT, CONSISTENT WITH PRUDENT BUDGETING
42 PRACTICES, NECESSARY TO ENSURE THE ORDERLY OPERATION OF THE DISTRICT AND
43 THE CONTINUED PROVISION OF SERVICES, TAKING INTO ACCOUNT FACTORS INCLUD-
44 ING, BUT NOT LIMITED TO, THE SIZE OF THE FUND, CASH FLOWS, THE CERTAINTY
45 WITH WHICH THE AMOUNTS OF REVENUES AND EXPENDITURES CAN BE ESTIMATED,
46 AND THE DISTRICT'S EXPERIENCE IN PRIOR FISCAL YEARS. FOR THOSE DISTRICTS
47 WHICH EMPLOY THE CASH BASIS OF ACCOUNTING, FUND BALANCE MEANS THE CASH
48 SURPLUS ESTIMATED TO BE ON HAND AT THE CLOSE OF THE CURRENT FISCAL YEAR
49 LESS CLAIMS PAYABLE THEREFROM AND AMOUNTS RESERVED PURSUANT TO LAW FOR
50 STATED PURPOSES.

51 3. THE BOARD OF EACH DISTRICT SHALL HOLD A PUBLIC HEARING ON THE THIRD
52 TUESDAY IN OCTOBER.

53 4. THE GOVERNING BODY OF THE MUNICIPALITY SHALL MAKE NO CHANGE IN THE
54 ESTIMATE SUBMITTED BY THE BOARD OF ANY DISTRICT. AFTER THE ANNUAL BUDGET
55 HAS BEEN ADOPTED BY THE GOVERNING BODY OF THE MUNICIPALITY AND A CERTI-
56 FIED COPY PRESENTED TO THE BOARD OF SUPERVISORS OF THE COUNTY IN WHICH

1 THE MUNICIPALITY IS SITUATED, THE BOARD OF SUPERVISORS SHALL ASSESS AND
2 LEVY UPON THE TAXABLE REAL PROPERTY WITHIN THE SEVERAL DISTRICTS THE
3 AMOUNTS TO BE RAISED BY TAX FOR THE PURPOSES OF THE RESPECTIVE DISTRICTS
4 AS SPECIFIED IN SUCH ANNUAL BUDGET AND SHALL CAUSE THE AMOUNT SO
5 ASSESSED AND LEVIED TO BE COLLECTED, IN THE SAME MANNER AND AT THE SAME
6 TIME AND BY THE SAME OFFICERS AS MUNICIPAL TAXES ARE ASSESSED, LEVIED
7 AND COLLECTED. WHEN SUCH TAXES ARE COLLECTED, THE AMOUNT THEREOF SHALL
8 BE PAID TO THE MUNICIPALITY AND IMMEDIATELY PAID TO THE TREASURER OF THE
9 RESPECTIVE DISTRICTS. IF A DISTRICT INCLUDES TAXABLE PROPERTY LOCATED IN
10 MORE THAN ONE MUNICIPALITY, THE AMOUNT TO BE ASSESSED, LEVIED AND
11 COLLECTED UPON THE PROPERTY WITHIN EACH OF SUCH MUNICIPALITY SHALL BE
12 APPORTIONED IN ACCORDANCE WITH SECTION EIGHT HUNDRED SIX OF THE REAL
13 PROPERTY TAX LAW.

14 5. IN ANY CASE WHERE A PARCEL OF REAL PROPERTY SEPARATELY ASSESSED ON
15 THE MUNICIPAL ASSESSMENT ROLL SHALL BE DIVIDED BY THE LINE OF THE
16 DISTRICT, IT SHALL BE THE DUTY OF THE MUNICIPAL ASSESSORS, AFTER THE
17 VALUATION OF THE WHOLE OF SUCH PARCEL SHALL HAVE BEEN FIXED, TO DETER-
18 MINE WHAT PROPORTION OF SUCH VALUATION IS ON ACCOUNT OF THAT PART OF
19 SUCH PARCEL LYING WITHIN THE LIMITS OF THE DISTRICT, AND THE ASSESSORS
20 SHALL ENTER SUCH PROPORTION SEPARATELY ON THE ASSESSMENT ROLL. THE
21 VALUATION OF THE REAL PROPERTY LYING WITHIN SUCH DISTRICT, AS SO FIXED
22 AND DETERMINED, SHALL BE THE VALUATION SUBJECT TO TAXATION FOR THE
23 PURPOSES OF SUCH DISTRICT.

24 6. THE TREASURER OF EACH DISTRICT SHALL PREPARE AND FILE ANNUALLY IN
25 THE OFFICE OF THE CLERK OF EACH MUNICIPALITY IN WHICH ANY PART OF SUCH
26 DISTRICT SHALL BE LOCATED, AND IN THE OFFICE OF THE STATE COMPTROLLER, A
27 FINANCIAL STATEMENT SETTING FORTH IN DETAIL THE RECEIPTS AND EXPENDI-
28 TURES OF SUCH DISTRICT. SUCH STATEMENT SHALL BE FILED IN SUCH OFFICES
29 WITHIN SIXTY DAYS AFTER THE CLOSE OF THE FISCAL YEAR OF THE DISTRICT.

30 S 159-E. DISSOLUTION OF DISTRICTS. 1. UPON A PETITION, SIGNED, AND
31 ACKNOWLEDGED OR PROVED IN THE SAME MANNER AS A DEED TO BE RECORDED, OR
32 AUTHENTICATED IN THE MANNER PROVIDED BY THE ELECTION LAW FOR THE AUTHEN-
33 TICATION OF NOMINATING PETITIONS, BY TWENTY PERCENT OF THE RESIDENTS OF
34 THE MUNICIPALITY OR MUNICIPALITIES IN WHICH A DISTRICT IS LOCATED, THE
35 MUNICIPAL GOVERNING BODY OR BODIES THEREOF, AFTER A PUBLIC HEARING THER-
36 EON, MAY DISSOLVE AND DISCONTINUE SUCH DISTRICT. THE MUNICIPAL GOVERN-
37 ING BODY OR BODIES SHALL HOLD A PUBLIC HEARING UPON SUCH PETITION AND
38 SHALL CAUSE A NOTICE THEREOF TO BE PUBLISHED AND POSTED IN THE SAME
39 MANNER PROVIDED FOR HEARINGS. SUCH NOTICE SHALL CONTAIN A DESCRIPTION
40 OF THE DISTRICT AND SPECIFY THE TIME WHEN AND PLACE WHERE THE MUNICIPAL
41 GOVERNING BODY OR BODIES WILL MEET TO CONSIDER SUCH PETITION AND TO HEAR
42 ALL PERSONS INTERESTED IN THE SUBJECT CONCERNING THE SAME. AFTER THE
43 HEARING UPON NOTICE AS PROVIDED HEREINBEFORE AND UPON THE EVIDENCE GIVEN
44 THEREAT, THE MUNICIPAL GOVERNING BODY OR BODIES SHALL DETERMINE WHETHER
45 IT IS IN THE PUBLIC INTEREST TO DISSOLVE THE DISTRICT. ALL THE PROPERTY
46 OF SUCH DISTRICT SHALL BE SOLD AT PUBLIC SALE AND THE PROCEEDS OF SUCH
47 SALE SHALL BE PAID TO THE MUNICIPALITY AND THE AMOUNT SO PAID SHALL BE
48 APPLIED FIRST IN PAYMENT OF ANY BONDED OR OTHER INDEBTEDNESS OF SUCH
49 DISTRICT AND SECONDLY, THE REMAINDER THEREOF, AFTER ALL THE OUTSTANDING
50 BONDED AND OTHER INDEBTEDNESS OF THE DISTRICT SHALL HAVE BEEN PAID,
51 SHALL BE CREDITED TO THE TAXABLE REAL PROPERTY LOCATED IN SUCH DISTRICT
52 IN THE NEXT SUCCEEDING ASSESSMENT OF MUNICIPAL TAXES. IF THERE SHALL BE
53 OUTSTANDING AND UNPAID BONDS OR OTHER OBLIGATIONS NOT DUE AND PAYABLE, A
54 SUM SUFFICIENT TO MEET THE PRINCIPAL AND INTEREST THEREOF SHALL BE SET
55 APART AS A SINKING FUND FOR THE REDEMPTION OF SUCH OUTSTANDING OBLI-
56 GATIONS AT THEIR MATURITY AND THE PAYMENT OF THE INTEREST THEREON. IF

1 THE PROCEEDS OF SUCH SALE AND THE INCOME THEREFROM BE INSUFFICIENT TO
2 REDEEM SUCH BONDS OR OBLIGATIONS AT THEIR MATURITY AND TO PAY THE INTER-
3 EST THEREON, THEN THERE SHALL BE LEVIED AND COLLECTED IN ANNUAL INSTALL-
4 MENTS FROM THE DISTRICT CHARGED WITH THE PAYMENT OF SUCH BONDS OR OBLI-
5 GATIONS, SUCH A SUM AS WILL BE SUFFICIENT TO PAY THE INTEREST ON SUCH
6 BONDS OR OBLIGATIONS AND TO REDEEM THEM AT THEIR MATURITY. ANY SURPLUS
7 REMAINING AFTER ALL THE OBLIGATIONS AND INDEBTEDNESS OF THE DISTRICT
8 SHALL HAVE BEEN PAID, SHALL BE CREDITED TO THE TAXABLE REAL PROPERTY
9 LOCATED IN SUCH DISTRICT AT THE NEXT SUCCEEDING ASSESSMENT OF MUNICIPAL
10 TAXES.

11 2. UPON ITS OWN MOTION AND WITHOUT A PETITION, THE GOVERNING BODY OF
12 ANY MUNICIPALITY OR, IF THE DISTRICT PROPOSED TO BE DISSOLVED INCLUDES
13 TERRITORY IN MORE THAN ONE MUNICIPALITY, THE GOVERNING BODIES THEREOF,
14 MAY DISSOLVE AND DISCONTINUE SUCH DISTRICT, AFTER A PUBLIC HEARING THER-
15 EON. ANY RESOLUTION DISSOLVING AND DISCONTINUING SUCH DISTRICT SHALL BE
16 SUBJECT TO A PERMISSIVE REFERENDUM. THE NOTICE OF SUCH HEARING SHALL BE
17 PUBLISHED AND POSTED. SUCH NOTICE SHALL CONTAIN A DESCRIPTION OF THE
18 DISTRICT AND SPECIFY THE TIME WHEN AND THE PLACE WHERE THE MUNICIPAL
19 GOVERNING BODY OR BODIES WILL MEET TO HEAR ALL PERSONS INTERESTED IN THE
20 SUBJECT CONCERNING THE SAME. AFTER THE HEARING UPON NOTICE AS PROVIDED
21 HEREINBEFORE AND UPON THE EVIDENCE GIVEN THEREAT, THE MUNICIPAL GOVERN-
22 ING BODY OR BODIES SHALL DETERMINE WHETHER IT IS IN THE PUBLIC INTEREST
23 TO DISSOLVE THE DISTRICT.

24 3. AT THE HEARING UPON THE PETITION OR MOTION FOR THE DISSOLUTION OF A
25 DISTRICT, THE MUNICIPAL GOVERNING BODY OR BODIES MAY DETERMINE TO
26 DISSOLVE AND DISCONTINUE SAID DISTRICT UPON THE TERMINATION OF ANY
27 CONTRACTS THEN IN FORCE AND EFFECT IN SUCH DISTRICT, OR THE MUNICIPAL
28 GOVERNING BODY OR BODIES MAY DETERMINE TO DISSOLVE AND DISCONTINUE SUCH
29 DISTRICT FORTHWITH. IF THE MUNICIPAL GOVERNING BODY OR BODIES SHALL
30 DETERMINE TO DISSOLVE AND DISCONTINUE SUCH DISTRICT FORTHWITH, ALL
31 CONTRACTS SHALL BE IMMEDIATELY TERMINATED UPON THE PAYMENT OF ANY
32 AMOUNTS BECOMING DUE PRIOR TO THE DATE OF THE ACTION OF THE MUNICIPAL
33 GOVERNING BODY OR BODIES IN DISSOLVING AND DISCONTINUING SAID DISTRICT.

34 4. IN THE CASE OF A DISTRICT LOCATED IN MORE THAN ONE MUNICIPALITY,
35 ANY ACTION PURSUANT TO THIS SECTION SHALL BE TAKEN BY THE MUNICIPAL
36 GOVERNING BODIES ACTING JOINTLY BY A MAJORITY VOTE OF THE MEMBERS OF
37 EACH MUNICIPAL GOVERNING BODY.

38 5. NOTHING IN THIS ARTICLE SHALL BE SO CONSTRUED AS TO PREVENT THE
39 MERGER OF A PROCEEDING TO DISSOLVE AN EXISTING DISTRICT AND A PROCEEDING
40 TO ESTABLISH A DISTRICT TO EMBRACE ALL OR ANY PORTION OF THE TERRITORY
41 CONTAINED WITHIN THE BOUNDARIES OF THE DISTRICT TO BE DISSOLVED.

42 S 2. This act shall take effect on the first of January next succeed-
43 ing the date on which it shall have become a law and shall apply to
44 library districts established, consolidated, dissolved or changed on or
45 after such effective date.